

WILLIAM P. SANDERS, ET AL. v. STANDARD FIRE INS. CO., ET AL.
DEPOSITION OF WILLIAM P. SANDERS

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<p>1 IN THE CIRCUIT COURT 2 OF 3 MONTGOMERY COUNTY, ALABAMA 4 5 WILLIAM P. SANDERS, 6 KIM SANDERS, WILLIAM P. 7 SANDERS as father and 8 next friend of JAKE SANDERS, 9 10 Plaintiffs, 11 12 vs. CIVIL ACTION AT LAW 13 CASE NO. 04-2928 14 STANDARD FIRE INSURANCE 15 COMPANY, et al., 16 17 Defendants. 18 19 ***** 20 DEPOSITION OF WILLIAM PHILLIP SANDERS, 21 taken pursuant to stipulation and agreement 22 before Wendy Lewis, Court Reporter and 23 Commissioner for the State of Alabama at Large, in the Law Offices of Beasley, Allen, Crow, Methvin, Portis & Miles, 272 Commerce Street, Montgomery, Alabama, on Tuesday, July 19, 2005, commencing at 10:21 a.m. *****</p>	<p>1 requirements are waived; that said deposition may 2 be taken before Wendy Lewis, Court Reporter and 3 Commissioner for the State of Alabama at Large, 4 without the formality of a commission; that 5 objections to questions other than objections as 6 to the form of the questions need not be made at 7 this time but may be reserved for a ruling at 8 such time as the deposition may be offered in 9 evidence or used for any other purpose as 10 provided for by the Alabama Rules of Civil 11 Procedure. 12 It is further stipulated and agreed by 13 and between counsel representing the parties that 14 the filing of the deposition is hereby waived and 15 that the deposition may be introduced at the 16 trial of this case or used in any manner by 17 either party hereto provided for by the Statute. 18 ***** 19 WILLIAM PHILLIP SANDERS 20 The witness, having first been duly 21 sworn to speak the truth, the whole truth and 22 nothing but the truth, testified as follows: 23</p>
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<p>1 APPEARANCES 2 FOR THE PLAINTIFFS: 3 Mr. Christopher E. Sanspree 4 BEASLEY, ALLEN, CROW, 5 METHVIN, PORTIS & MILES 6 Attorneys at Law 7 272 Commerce Street 8 Montgomery, Alabama 36104 9 10 FOR THE DEFENDANT: 11 Mr. Brenen Ely 12 Mr. Joel S. Isenberg 13 SMITH & ELY 14 Attorneys at Law 15 2000-A SouthBridge Parkway, Suite 405 16 Birmingham, Alabama 35209 17 ALSO PRESENT: 18 Ms. Kim Sanders 19 ***** 20 EXAMINATION INDEX 21 WILLIAM PHILLIP SANDERS 22 BY MR. ELY 3 23 24 ***** 25 STIPULATIONS 26 It is hereby stipulated and agreed by 27 and between counsel representing the parties that 28 the deposition of WILLIAM PHILLIP SANDERS is 29 taken pursuant to stipulation and agreement; that 30 all formalities with respect to procedural</p>	<p>1 EXAMINATION 2 Y MR. ELY: 3 Q. Mr. Sanders, can you please state your full 4 name for the record? 5 A. Yes, sir. William Phillip Sanders. 6 Q. Mr. Sanders, when is your birth date? 7 A. April 25th, '59. 8 Q. Your social security number? 9 A. 257-17-4794. 10 Q. Where are you currently employed? 11 A. Montgomery County Sheriff's Office. 12 Q. What do you do there? 13 A. I'm a lieutenant, special operations tactical 14 team, undercover drugs. 15 Q. You're going to have to slow down just a 16 little bit. Hold on. 17 A. Okay. 18 Q. I want to write all that down so I 19 understand. You're a lieutenant on the 20 tactical unit? 21 A. Uh-huh. 22 Q. Undercover drug enforcement? 23 A. That's right.</p>

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<p>Page 5</p> <p>1 Q. Okay. Mr. Sanders, have you ever given a 2 deposition before? 3 A. Yes, I have. 4 Q. In a civil case, or did you give them in 5 criminal proceedings? 6 A. Both. 7 Q. About how many civil depositions have you 8 given? 9 A. A couple. 10 Q. Were those as a witness or as a party? 11 A. Yes, a witness. 12 Q. What kind of cases were those? 13 A. One of them right off the top of my head was 14 against Montgomery County, somebody sued 15 Montgomery County. 16 Q. And you were witness for the defense? 17 A. That's correct. 18 Q. Did all of these civil depositions involve 19 your employment? 20 A. Yes. 21 Q. Okay. So you know the drill. 22 A. Yes, sir. 23 Q. You know the deposition drill.</p>	<p>Page 7</p> <p>1 assigned to the DEA team here in Montgomery, 2 Central Alabama. 3 Q. When you say you're assigned to the DEA team, 4 does that mean you work in conjunction with 5 the Federal DEA? 6 A. Yes. I'm a sworn federal officer to work on 7 the task force. 8 Q. Are you paid by Montgomery County? 9 A. And by the DEA. 10 Q. Okay. When were you promoted to lieutenant? 11 A. Probably February of this -- this current 12 year. 13 Q. February 2005? 14 A. Yes, sir. 15 Q. And you told me about an FBI task force. Is 16 that similar to the arrangement you have now? 17 A. Yes. It was a violent crimes task force, and 18 that was back in '94. 19 Q. All right. How many people do you supervise? 20 A. Approximately ten. 21 Q. And you said it was undercover drug 22 enforcement? 23 A. Yes, sir.</p>
<p>Page 6</p> <p>1 A. Yes, sir. 2 Q. So I won't go over that with you. We know 3 not to talk over each other so she can take 4 it down, and try not to nod. And sometimes 5 these things get a little conversational -- 6 A. Yes, sir. 7 Q. -- and we use a lot of nonverbals. So that 8 will make her job a little bit easier. 9 How long have you been employed with 10 Montgomery County? 11 A. Since November of 1987. 12 Q. Can you start me in November of '87 and tell 13 me the different -- how you've progressed to 14 this point in your career. 15 A. Okay. When I started, I started out working 16 in the jail. Then I went from the jail to 17 working patrol, and then I went from patrol 18 to working investigations. Then I became 19 supervisor. Then I went to the FBI task 20 force for a while. Then I came back and went 21 to special operations drug unit. I got 22 promoted again to lieutenant, stayed where I 23 was at in charge of special operations and</p>	<p>Page 8</p> <p>1 Q. Do you do undercover work, or do you just 2 supervise undercover groups? 3 A. Both. 4 Q. I'm going to go backward about your 5 employment history and your education. 6 Starting in November '87, where were you 7 before you came to Montgomery County? 8 A. Broward County Sheriff's Office in Fort 9 Lauderdale, Florida. 10 Q. How long were you there? 11 A. Several years. 12 Q. What did you do there? 13 A. Deputy. 14 Q. Okay. And where were you before that? 15 A. Hold on. It's been a while. Let me think. 16 Of course, I went to college. And I worked 17 several different places. You know, I worked 18 for a furniture company. 19 Q. Let's start out this way. It may be easier. 20 Tell me where you went to high school and 21 college, and let's go that way. 22 A. Okay. I went to Kendrick High School in 23 Columbus, Georgia.</p>

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<p>1 Q. All right. What year did you graduate?</p> <p>2 A. '77.</p> <p>3 Q. Where did you go from there?</p> <p>4 A. Troy State University, Troy, Alabama.</p> <p>5 Q. Okay. When did you graduate from there?</p> <p>6 A. '81.</p> <p>7 Q. And then for the next couple of years -- as I</p> <p>8 understand it, you were at Broward County a</p> <p>9 couple of years before you came to</p> <p>10 Montgomery, which would put us '84?</p> <p>11 A. No. Actually, I was in Broward County I</p> <p>12 think from '84 to -- '83 to '86.</p> <p>13 Q. '83 to '86?</p> <p>14 A. And that's approximately, yeah.</p> <p>15 Q. Okay. So that leaves us about two years</p> <p>16 between Troy State and --</p> <p>17 A. That I was doing -- that's right. That I was</p> <p>18 doing furniture company. I worked for a</p> <p>19 place called -- hold on. I'll tell you in a</p> <p>20 minute. Lummus. Lummus Industries. And</p> <p>21 then I went down to Broward County and then</p> <p>22 from there up to here.</p> <p>23 Q. So since '83 you've been in law enforcement?</p>	<p>1 A. Just not to her. That's correct.</p> <p>2 MR. ELY: I should have asked that a</p> <p>3 little bit better, shouldn't I</p> <p>4 have?</p> <p>5 Q. Who were you married to before that and when?</p> <p>6 A. Her name was P. J. Sanders, and we was</p> <p>7 married in, shoot, '94 -- '93 to '95 maybe,</p> <p>8 something like that.</p> <p>9 Q. Any other marriages?</p> <p>10 A. No.</p> <p>11 Q. Now, the best way I think to go about this --</p> <p>12 I mean, I know there has been a lot that's</p> <p>13 gone on in this claim.</p> <p>14 A. Yes, sir.</p> <p>15 Q. And the best thing I know to do is just start</p> <p>16 from the very beginning. We've had a lot of</p> <p>17 communications with your lawyer, so I have</p> <p>18 some background information, but I want to be</p> <p>19 clear on what you understand and what your</p> <p>20 story is about the claim.</p> <p>21 A. Yes, sir.</p> <p>22 Q. Now, Hurricane Ivan, do you remember -- was</p> <p>23 it September the 16th?</p>
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<p>1 A. Yes, sir.</p> <p>2 Q. What was your degree at Troy State?</p> <p>3 A. I -- I didn't finish.</p> <p>4 Q. Okay.</p> <p>5 A. It was in criminal justice is what my major</p> <p>6 was.</p> <p>7 Q. Are you from -- grew up in Columbus?</p> <p>8 A. Yes.</p> <p>9 Q. Do you have any relatives living in</p> <p>10 Montgomery County?</p> <p>11 A. That's a negative.</p> <p>12 Q. You have two children?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What are their ages again?</p> <p>15 A. Eight and six.</p> <p>16 Q. When were you and Ms. Sanders married?</p> <p>17 A. '96? '96. 1996.</p> <p>18 Q. Were you married before?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 A. Oh, yeah, I was married before. Yeah,</p> <p>22 absolutely. Sorry.</p> <p>23 MR. SANSPREE: Just not to her.</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Tell me about the storm itself.</p> <p>3 A. Well, like you said, it come in September</p> <p>4 16th. And, obviously, it was -- in Pike</p> <p>5 Road, Alabama, it was -- it was awful. It</p> <p>6 hit my house early that morning. My wife and</p> <p>7 kids were there and looked outside and we</p> <p>8 could see the background was covered with</p> <p>9 shingles. There was water coming in the</p> <p>10 roof. There was water coming in the windows,</p> <p>11 every window in the house. There was water</p> <p>12 coming through the roofs of every room. We</p> <p>13 had a mess.</p> <p>14 Q. You were at home that day?</p> <p>15 A. For a few minutes, and then I got called to</p> <p>16 work in the middle of this.</p> <p>17 Q. Let me digress just a minute.</p> <p>18 A. Okay.</p> <p>19 Q. When did y'all move into this house?</p> <p>20 A. 2001.</p> <p>21 Q. Was this a new build?</p> <p>22 A. No. It was -- somebody had -- was living in</p> <p>23 it. It was a new home, but it was a couple</p>

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<p>Page 13</p> <p>1 of years old, yeah.</p> <p>2 Q. Do you know who you bought it from?</p> <p>3 A. I do. The guy who owned it. I mean, I</p> <p>4 didn't -- his name was Larry Haverland.</p> <p>5 Q. Haverland?</p> <p>6 A. That's correct.</p> <p>7 Q. Do you know when the house was built?</p> <p>8 A. Approximately '99.</p> <p>9 Q. Do you know who built it?</p> <p>10 A. Watts. Watts Realty.</p> <p>11 Q. Did you have an inspection performed on the</p> <p>12 house?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Who did that inspection?</p> <p>15 A. I couldn't tell you his name. I -- I don't</p> <p>16 know.</p> <p>17 Q. Would you have documents that would tell me</p> <p>18 that?</p> <p>19 A. Everything that I have, I've turned over to</p> <p>20 my attorney.</p> <p>21 Q. And nothing came up in the inspection that</p> <p>22 you can recall?</p> <p>23 A. No, sir.</p>	<p>Page 15</p> <p>1 A. Yes, sir.</p> <p>2 Q. And your wife and kids stayed at the house?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did you take any measures at that point</p> <p>5 before you left to do anything about the</p> <p>6 water coming in or --</p> <p>7 A. I put some buckets up in the attic, yes, sir,</p> <p>8 towels down by the windows, the doors.</p> <p>9 Q. When you left, describe for me what it looked</p> <p>10 like. And start from the top in the attic.</p> <p>11 And I know you said you had buckets down.</p> <p>12 Did you have buckets under every leak you</p> <p>13 could see?</p> <p>14 A. Under every leak I could see, I tried to</p> <p>15 bucket; but you've got to understand when I</p> <p>16 left, the storm was progressively getting</p> <p>17 worse. When I walked outside to leave, there</p> <p>18 were just numerous shingles missing from the</p> <p>19 home, numerous shingles standing straight up</p> <p>20 that had broken the tab, that were flapping</p> <p>21 and water pouring in them. That's the way it</p> <p>22 was when I left.</p> <p>23 Q. Okay. What did the downstairs look like?</p>
<p>Page 14</p> <p>1 Q. And do you know what month y'all moved in?</p> <p>2 A. November? I believe it was November 2001.</p> <p>3 Q. And from November 2001 up to September the</p> <p>4 16th, 2004 --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- have you ever had any repairs done on the</p> <p>7 house?</p> <p>8 A. When you say -- did I do it personally, or</p> <p>9 did I file a claim on it, or I don't --</p> <p>10 Q. No. Anything -- well, let's first start with</p> <p>11 anything you've done other than changing out</p> <p>12 a, you know, toilet mechanism or something</p> <p>13 minor like that. I'm talking about some</p> <p>14 repairs.</p> <p>15 A. Minor repairs like you said, you know.</p> <p>16 Q. No roof repairs, no interior -- major</p> <p>17 interior repairs?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. Had you ever had any water come in the</p> <p>20 house from any other storm before this one?</p> <p>21 A. No, sir.</p> <p>22 Q. So you were called out to work during the</p> <p>23 middle of the storm?</p>	<p>Page 16</p> <p>1 How much water did you have down there?</p> <p>2 A. I had water coming in the windows, through</p> <p>3 the windows, through the doors. It was</p> <p>4 awful. The rooms were getting wet. The --</p> <p>5 the roof was starting -- the roof in every --</p> <p>6 the ceiling in every room was starting to</p> <p>7 leak water, drip water.</p> <p>8 Q. Okay.</p> <p>9 A. And like I said, I had to go to work. So --</p> <p>10 Q. I understand you had some carpet in the</p> <p>11 house, and you had some of it hardwood and</p> <p>12 some of it -- how much water was on the</p> <p>13 floors that you can recall, if any?</p> <p>14 A. Yes. It was -- it was -- I mean, it was</p> <p>15 covered with water just to answer your</p> <p>16 question. I mean, I didn't measure it,</p> <p>17 obviously.</p> <p>18 Q. Right.</p> <p>19 A. But yes, the -- the foyer area was covered.</p> <p>20 And like I say, sir, water was coming in</p> <p>21 the -- the -- the windows as I left. The</p> <p>22 storm was -- the storm had not even got as</p> <p>23 worse as it was going to get. Obviously,</p>

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<p>1 that's why we get called out before the worst 2 of it hit. And that's where it was at when I 3 left. 4 Q. Was there water on the floors of every room? 5 A. I don't say there was water on the floor of 6 every room at that time. There was water in 7 the roof of every room at that time. 8 Q. I got that. I'm just working my way down. 9 And were there areas of the carpet that were 10 already soaked? 11 A. Yes, sir. 12 Q. Okay. 13 A. And I want to tell you, my wife and kids were 14 scared to death; and they were very upset and 15 crying. And, of course, I had no option as 16 but to -- you know, I was put on alert and I 17 was made to go to work. So, that's how the 18 house was when I left. And my wife actually 19 called several hours later and made the claim 20 with -- with Standard Fire. 21 Q. Do you know about what time it was that day? 22 I -- I can remember when it got -- and I'm 23 just trying to get a time frame, because I</p>	<p>1 Q. Did you lose power in the storm? 2 A. Yes, sir. 3 Q. Was power out before you left? 4 A. I don't recall. 5 Q. How long were you without power? 6 A. Probably till the next night. 7 Q. All right. So you came back that afternoon, 8 tarped the roof with your guys. Then you had 9 to go back to work? 10 A. Uh-huh. 11 Q. When was the next time -- when did you get to 12 finally come back home? 13 A. That night. 14 Q. That night? 15 A. I came home that night. 16 Q. And when you came back home after you had 17 tarped the roof, did you do any -- was there 18 anything you could do? 19 A. I did. The first thing I did was take my 20 family to a motel room and put my family up. 21 I called my brother, a friend of mine, my 22 father-in-law. All of them came down the 23 next morning and we started cleaning. We</p>
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<p>1 remember when it came through Birmingham, and 2 I still have it in my mind when it kind of 3 came through here. I'm just trying to get an 4 idea when you left, how long it lasted, and 5 kind of when it subsided. 6 A. I don't recall what time I left. I know that 7 I got home -- I was allowed to come home for 8 a while to do something with my house. And I 9 brought my team of people, and we got up on 10 my roof. Of course, the wind was still 11 blowing absolutely awful. And we tarped it. 12 We tarped that roof. We went and got tarps, 13 and we tarped my roof. And, of course, I may 14 be getting ahead of myself but -- 15 Q. That's all right. You tarped the roof that 16 day? 17 A. Absolutely. 18 Q. That afternoon? 19 A. Absolutely. 20 Q. And you brought all your guys with you? 21 A. Uh-huh. 22 Q. Ten of them, about? 23 A. Yeah, approximately. Most of them.</p>	<p>1 started pulling carpet. We come in there 2 with fans and generators and wetbacks. And 3 we went up in the attic and we started trying 4 to save -- salvage what we could of that 5 house. For three days, we did that. 6 Q. You said your brother, your friend, your 7 father-in-law, and you. 8 A. Uh-huh. 9 Q. Right? And they came from where? 10 A. My brother came from Mark, Alabama. My 11 father-in-law came from Richland, Georgia. 12 And my friend came from Montgomery. 13 Q. And so you had generators out there the next 14 day; and then you got the power on later on 15 that night; and you were running wetbacks, 16 fans and you pulled carpet. Do you remember 17 the areas of the house -- and this may be the 18 best way to go about it. 19 Let me have those. I have a diagram of 20 your house, and this may be an easy way to 21 walk through it. I ran copies off; but, you 22 know, now I can't find them. 23 (Brief pause)</p>

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<p>Page 21</p> <p>1 MR. ELY: We'll just go ahead and mark 2 it as Defendant's Exhibit #1. 3 Q. The document that I've marked as Defendant's 4 Exhibit #1 -- I'm not asking you whether the 5 measurements are correct. I'm just asking 6 you if this is the general floor plan of your 7 house. 8 MR. SANSPREE: Walk in like that. 9 A. Walk in where? Right here? 10 Q. Yes, sir. 11 MR. SANSPREE: Walk in right here. 12 A. That looks approximately it, yes. 13 Q. Okay. Now, when you said y'all were pulling 14 up carpet, what areas of the home on this 15 diagram had carpet in them at the time? 16 A. The -- every bedroom, the hallway, the 17 bathrooms, the living room, this dining room. 18 Q. You -- 19 MR. SANSPREE: I was going to tell you 20 just when you point to it, be 21 specific for the record. 22 A. Okay. 23 Q. Let me ask it this way. Is it fair to say</p>	<p>Page 23</p> <p>1 Does it sit on concrete? 2 A. The slab. 3 Q. The carpet sits on concrete? 4 A. Uh-huh. 5 Q. Did you bring the fans in there to try to dry 6 out the concrete? 7 A. Uh-huh. 8 MR. SANSPREE: Answer out so she can 9 type it down. 10 A. Yes. 11 Q. Where did you take the carpet to try and dry 12 it out? 13 A. Outside. 14 Q. Just out in the yard? 15 A. Uh-huh. 16 Q. And as I recall, right after Hurricane Ivan 17 came through, we had pretty good weather for 18 several days. It was pretty sunny. And was 19 it dry? Do you remember? 20 A. I believe so. I don't know. 21 Q. Well, the carpet didn't get wet again out 22 there? 23 A. No. No.</p>
<p>Page 22</p> <p>1 that the only area that was not carpeted was 2 probably the foyer? 3 A. And the kitchen. 4 Q. And the kitchen? That's probably the easier 5 way to go about it, then. Did you pull 6 carpet out of all these areas? 7 A. Yes. Some more than others. 8 Q. Are there any rooms you can look at on that 9 diagram and tell me that you pulled all the 10 carpet out of? 11 A. Yes. 12 Q. Which ones were those? 13 A. The girl's and the boy's and most of -- well, 14 all of it in those two rooms, and most of it 15 in the living room and most of it in this 16 dining room, mostly all the hallway, this 17 exercise room, part of our bedroom and part 18 of the bath -- two bathrooms. 19 Q. When you pulled the carpet -- you pulled the 20 carpet and the pad out, did you try to dry it 21 or did you just pull it out? 22 A. We tried to dry it. 23 Q. Did you pull fans into -- let me back up.</p>	<p>Page 24</p> <p>1 Q. So you pulled carpet. You brought in fans in 2 the downstairs. Is there anything else you 3 did in those three days, or four, on the 4 downstairs? And that takes into 5 consideration you moved furniture -- 6 A. We moved -- 7 Q. -- and all that type of stuff out of the way. 8 A. Yes, we done plenty. 9 Q. Okay. So aside from moving furniture, moving 10 carpet, you basically reduced it down to the 11 slab and tried to dry it -- 12 A. Yes, sir. 13 Q. -- the downstairs? 14 A. Right. We moved stuff. We wiped stuff off. 15 We moved it again. We wiped it again. You 16 have to understand that the ceiling -- the 17 attic was so wet that it just continued to 18 leak. I mean there -- there was nothing I 19 could do to get the -- all that insulation 20 was wet, and it -- there was no way I 21 could -- to dry it. 22 Q. So for the three days that y'all continued to 23 work, despite the fact that you pulled all</p>

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<p>1 that stuff out, your ceilings kept dripping?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you lose any ceiling pieces? Did any of</p> <p>4 them collapse, or you just --</p> <p>5 A. Yes. In the air handler room, several pieces</p> <p>6 collapsed.</p> <p>7 Q. Where is the air handler room?</p> <p>8 A. It's down this hallway right before you get</p> <p>9 to my son's -- right after the foyer, in</p> <p>10 between the -- and of course this bedroom.</p> <p>11 It's between the boy's bedroom and this</p> <p>12 hallway. It's in this hallway right here.</p> <p>13 Q. Can you mark that with an X and then put out</p> <p>14 beside -- just write what it is for me.</p> <p>15 Sometimes in that middle there, it's hard to</p> <p>16 read.</p> <p>17 A. Uh-huh.</p> <p>18 Q. And that ceiling collapsed? That --</p> <p>19 A. Part of it, yeah.</p> <p>20 Q. All right. So in this area, we've gotten</p> <p>21 what you did downstairs. In the attic, tell</p> <p>22 me what y'all did.</p> <p>23 A. Well, we got up there, and we moved clothes</p>	<p>1 A. Most every closet. The closets were not</p> <p>2 as -- did not get as soaked, obviously, as</p> <p>3 the attic. I don't think we lost anything</p> <p>4 out of the closets, per se.</p> <p>5 Q. Okay.</p> <p>6 A. The clothes and stuff we lost were mainly</p> <p>7 like winter clothes and stuff that we had</p> <p>8 stored up in the attic.</p> <p>9 Q. Would you say that you lost most all the</p> <p>10 clothes that were up there, that were up --</p> <p>11 A. That was up in the attic, yes, sir.</p> <p>12 Q. What else was up in the attic that you can</p> <p>13 remember that you lost?</p> <p>14 A. We had Christmas decorations. We had, you</p> <p>15 know, knickknack stuff. Of course there were</p> <p>16 shoes up there; you know, kid's stuff, games.</p> <p>17 Q. Attic stuff?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So we've gotten to -- you told me you worked</p> <p>20 about three days on getting all that stuff</p> <p>21 out.</p> <p>22 A. Yes, sir.</p> <p>23 Q. And in the meantime, I believe you told me</p>
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<p>1 and boxes and stuff that we had up there,</p> <p>2 moved all that stuff out and brought it down</p> <p>3 and -- and tried to dry it and salvage what</p> <p>4 we could. I mean, you have to understand</p> <p>5 that the -- the roof -- the ceiling was</p> <p>6 just -- the attic was -- was devastated. I</p> <p>7 mean, it was just --</p> <p>8 Q. Did you pull any of the insulation out?</p> <p>9 A. No.</p> <p>10 Q. Did you put fans in the attic?</p> <p>11 A. We stuck one up there, and it was just --</p> <p>12 we -- after a little while, we had it up</p> <p>13 there at the top; and we just figured it was</p> <p>14 futile because -- number one, because the --</p> <p>15 the insulation is blown, not rolled. So if</p> <p>16 it -- if it did dry enough, then it started</p> <p>17 blowing, what pieces were starting to dry; so</p> <p>18 we -- we had to stop.</p> <p>19 Q. All right. And you mentioned clothes in the</p> <p>20 attic. Did you remove clothes from the</p> <p>21 downstairs closets as well?</p> <p>22 A. Yeah.</p> <p>23 Q. From every closet or just some of the areas?</p>	<p>1 that your wife had filed an insurance claim.</p> <p>2 A. She filed it that day, yes, sir.</p> <p>3 Q. The day of the hurricane?</p> <p>4 A. Yes, sir.</p> <p>5 Q. When were you first contacted by someone</p> <p>6 about the adjustment of your claim?</p> <p>7 A. When did I contact somebody? Is that what</p> <p>8 you mean?</p> <p>9 Q. When were you contacted?</p> <p>10 A. I wasn't contacted.</p> <p>11 Q. Someone eventually came out?</p> <p>12 A. Yeah. Almost a month later, they sure did.</p> <p>13 Q. Did you have any contact from the date of the</p> <p>14 hurricane -- or from this time y'all were in</p> <p>15 the hurricane -- with anyone at Standard Fire</p> <p>16 before someone came out, this interim period?</p> <p>17 A. Yes, sir, I did.</p> <p>18 Q. Who did you talk to?</p> <p>19 A. I talked to several.</p> <p>20 Q. Can you remember? Can you try and remember</p> <p>21 for me who you talked to and when, as best</p> <p>22 you can?</p> <p>23 A. I believe the first person -- well, the first</p>

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<p>Page 29</p> <p>1 person I talked to obviously was someone who</p> <p>2 was just answering the phone, that I was</p> <p>3 asking about my claim; and she said -- I</p> <p>4 called her that Monday morning or that</p> <p>5 Sunday. And she said that my claim had been</p> <p>6 reassigned to a fellow by the name of Tim</p> <p>7 Buhlert.</p> <p>8 Q. And you think this was probably on Sunday</p> <p>9 night after the storm?</p> <p>10 A. Uh-huh, or Monday morning. And that someone</p> <p>11 would be in contact with me shortly.</p> <p>12 Q. And did you have another conversation with</p> <p>13 someone at Standard Fire after that?</p> <p>14 A. I did.</p> <p>15 Q. When was that? Do you remember?</p> <p>16 A. I called maybe a week later and said, I</p> <p>17 haven't heard from anyone; could you check</p> <p>18 the status of my claim? And she said -- the</p> <p>19 operator said, sir, you need to understand</p> <p>20 something. We've had a hurricane, several</p> <p>21 hurricanes, and we're busy. We'll get there</p> <p>22 as soon as we can</p> <p>23 Q. Okay.</p>	<p>Page 31</p> <p>1 A. Every day.</p> <p>2 Q. Okay.</p> <p>3 A. And he would inform me, I will call you</p> <p>4 tonight when I get in.</p> <p>5 Q. Okay.</p> <p>6 A. And this went on for approximately two more</p> <p>7 weeks.</p> <p>8 Q. And when he would say, I will call you when I</p> <p>9 get in at night, would he return your call?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 A. And in the meantime, my house was stinking,</p> <p>13 smelling. It had done got hot, as you</p> <p>14 mentioned earlier, and nice weather. Well,</p> <p>15 somebody -- a carpet man informed me later,</p> <p>16 you can't dry that padding; it's sour. My</p> <p>17 whole house was sour. My attic was sour.</p> <p>18 And I was still calling Standard Fire, and</p> <p>19 they still wasn't helping me.</p> <p>20 Q. Who was this carpet man that you talked to?</p> <p>21 A. I believe he was the carpet man that</p> <p>22 Mr. Buhlert had come out there when</p> <p>23 Mr. Buhlert suggested to Mr. Chuck Brown of</p>
<p>Page 30</p> <p>1 A. You will hear from someone. I said, okay,</p> <p>2 thank you.</p> <p>3 Q. Did you have any conversations during -- and</p> <p>4 I'm just -- this is about 10 days -- the</p> <p>5 first 10 days with your insurance agent</p> <p>6 during the time?</p> <p>7 A. No. I don't believe I called her at that</p> <p>8 time.</p> <p>9 Q. So we're about 10 days out. They're telling</p> <p>10 you just to wait. And they've told you</p> <p>11 already that Tim Buhlert has been assigned to</p> <p>12 the claim?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And did you have to make another call?</p> <p>15 A. I started calling Mr. Buhlert. They gave me</p> <p>16 his number.</p> <p>17 Q. Did they give you the number on the first</p> <p>18 conversation or the second one, or do you</p> <p>19 remember?</p> <p>20 A. I don't remember.</p> <p>21 Q. By this 10-day period you had his number?</p> <p>22 A. Yes.</p> <p>23 Q. So you started calling Tim Buhlert?</p>	<p>Page 32</p> <p>1 ICA that the Sanders' home probably needs</p> <p>2 mold remediation, and he turned him down.</p> <p>3 Q. So the carpet person who told you that the</p> <p>4 carpet was ruined was someone that Tim</p> <p>5 Buhlert brought out there during the</p> <p>6 adjustment period? Is that right?</p> <p>7 A. Said it was --</p> <p>8 Q. You need to answer out loud.</p> <p>9 A. Yes. Said it was delaminated</p> <p>10 Q. Okay.</p> <p>11 A. But -- and I'm sorry. I'm getting ahead of</p> <p>12 myself.</p> <p>13 Q. That's all right. That's all right.</p> <p>14 A. Let me slow down.</p> <p>15 Q. That's all right. We'll get there. All</p> <p>16 right. I've got -- I'm up to this 10-day</p> <p>17 period. And I want to back up for just a</p> <p>18 minute.</p> <p>19 A. Okay.</p> <p>20 Q. You had the carpet out on the lawn for three</p> <p>21 days afterward?</p> <p>22 A. I'd say the driveway, not the lawn.</p> <p>23 Q. Well, out from the house.</p>

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9 (Pages 33 to 36)

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<p>1 A. Yes, sir.</p> <p>2 Q. On the lawn somewhere.</p> <p>3 A. Yes, sir.</p> <p>4 Q. At some point, did you bring the carpet back</p> <p>5 in and reinstall it?</p> <p>6 A. Uh-huh.</p> <p>7 Q. When did you do that?</p> <p>8 A. Just as we would get it as dry as we figured</p> <p>9 we could get it, we would bring it back in.</p> <p>10 Q. Was that during this three-day period or was</p> <p>11 it over the next 10 days?</p> <p>12 A. Some of it probably about the third day and</p> <p>13 some of it a couple of days later.</p> <p>14 Q. So within a week you probably had it all back</p> <p>15 in?</p> <p>16 A. I did. I did.</p> <p>17 Q. All right. And you said by this second</p> <p>18 conversation with Travelers, or Standard</p> <p>19 Fire, about 10 days later your house had</p> <p>20 begun to smell?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Had you made inspections up in the attic over</p> <p>23 this 10-day period to look at the insulation</p>	<p>1 house to -- in an attempt to stop the rain</p> <p>2 coming in when it did rain and that he was</p> <p>3 charging \$200. And they informed me, yes,</p> <p>4 sir, you can. And just as a side note, they</p> <p>5 hadn't paid that \$200 to this date either.</p> <p>6 Q. Okay. When did you -- and I think I've</p> <p>7 seen -- what was that roofer's name? Do you</p> <p>8 remember?</p> <p>9 A. The one that put the temporary roof up</p> <p>10 there?</p> <p>11 Q. Yes, sir.</p> <p>12 A. His last name was -- I'll tell you his name.</p> <p>13 Hold on. It's Laird Bone. Laird Bone.</p> <p>14 Q. When did he --</p> <p>15 A. L-A-I-R-D, Bone.</p> <p>16 Q. When did he come out?</p> <p>17 A. It was -- I don't recall the exact date.</p> <p>18 It's on the paperwork.</p> <p>19 Q. Was it --</p> <p>20 MR. SANSPREE: It was about the 22nd.</p> <p>21 Q. Yeah. It was within this 10-day period?</p> <p>22 A. Yes.</p> <p>23 Q. Pretty quick?</p>
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<p>1 and see how much water was up there, how damp</p> <p>2 it was?</p> <p>3 A. Yes, sir.</p> <p>4 Q. About how often would you do that?</p> <p>5 A. On occasion. It didn't change.</p> <p>6 Q. So with this 10-day period, when you think</p> <p>7 maybe the second conversation with Standard</p> <p>8 Fire, you had seen the attic and the</p> <p>9 insulation was still wet?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Were the ceilings in the bedrooms still wet</p> <p>12 or dripping with water?</p> <p>13 A. Some were still wet. I would -- I don't</p> <p>14 recall the exact date they stopped leaking,</p> <p>15 but they were still wet, yes, sir.</p> <p>16 Q. Okay.</p> <p>17 A. And they continued to get wet every time it</p> <p>18 rained.</p> <p>19 Q. All right.</p> <p>20 A. And I did call Standard Fire again and ask</p> <p>21 them because -- would it be okay if I call --</p> <p>22 if I got a roofer to my house to put up a</p> <p>23 temporary -- to put temporary shingles on my</p>	<p>1 A. Yes. And he informed me, Mr. Sanders, I am</p> <p>2 going to replace the shingles that are gone.</p> <p>3 Your roof is in bad shape, so you probably</p> <p>4 are going to have leaks in other places. So</p> <p>5 by me tacking what I'm going to temporarily</p> <p>6 repair, it's not going to solve your problem.</p> <p>7 Q. Okay.</p> <p>8 A. And I passed that on to Standard Fire.</p> <p>9 Q. How long did it take him to make the</p> <p>10 temporary repairs he made? Was it one day?</p> <p>11 A. One day, yes, sir.</p> <p>12 Q. And how long were the tarps up on the roof?</p> <p>13 A. Until he put that up.</p> <p>14 Q. All right. So I'm back to the 10-day period</p> <p>15 when you started calling Mr. Buhlert every</p> <p>16 day?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And you said this went on for about two</p> <p>19 weeks?</p> <p>20 A. I'd say three -- well, two from the time I</p> <p>21 started calling him. Yeah, two more weeks.</p> <p>22 Q. Two more weeks.</p> <p>23 A. So it had been three weeks since it started.</p>

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1 **Q. And during this two-week period from the 10**
2 **days until the time he got out there, had you**
3 **done anything else on the house in terms of**
4 **repairs or --**

5 A. Yes, sir.

6 **Q. -- other than you described? Tell me what**
7 **you did.**

8 A. Yes, sir. I took caulking up in the attic in
9 an attempt to caulk where, you know, water
10 had been coming in. I got up there and
11 started turning the insulation in an attempt
12 to help it dry because the smell was so -- so
13 awful in our house. Some of my friends had
14 suggested that to try to help it dry out, get
15 up there with towels. I got up there with
16 towels. I started soak -- getting the water
17 soaked up and turning the insulation in an
18 attempt to dry it. I probably did that -- I
19 did that a lot.

20 **Q. Anything else besides that in that period of**
21 **time that you did?**

22 A. Say your question again. I'm sorry.

23 **Q. Is there anything else that you did during**

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1 **that period of time, that two-week period**
2 **when you were calling Mr. Buhlert, aside from**
3 **turning over the insulation and trying to**
4 **caulk in areas to stop the leaks?**

5 A. Yes, sir. I did something every day. I
6 attempted -- I went around my house. My
7 house is in total disrepair. I tried to -- I
8 tried to fix the windows. I tried to caulk
9 some windows. I tried to always get up under
10 the cabinets to get water out. Every day,
11 every day we were attempting to do something
12 to that house.

13 **Q. And so finally Mr. Buhlert came out?**

14 A. Well, there are several things that lead up
15 to him coming out if you want to hear them.

16 **Q. Okay. Sure.**

17 A. Okay. He finally called after I called -- he
18 was supposed to come. He told me, I will be
19 there on a Friday morning at eight o'clock.
20 And I said -- and I think that was around the
21 7th or 8th of October. And I said, well,
22 great. So I took off work. And at 11:30
23 Mr. Buhlert wasn't there, hadn't heard from

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1 him; he hadn't called; he wouldn't answer his
2 phone. So that's when I made my first trip
3 to the Pinckard Agency and spoke with
4 Ms. Selia Courson and Ms. Marti Washing,
5 the -- Ms. Courson was the agent, and
6 Ms. Washing was the claims adjustor.

7 **Q. So you went down to see them because**
8 **Mr. Buhlert was not there. Tell me about the**
9 **conversations you had with them.**

10 A. I said, I need some help. And her words to
11 me were, There's nothing -- Ms. Washing said,
12 There's nothing I can do for you, sir. And I
13 said, Well, wait a minute here. I said, Who
14 is my agent; which one of you is the agent?
15 And Ms. Courson said, I am your agent and she
16 handles the adjustments. And I said, Well, I
17 am asking both of you. I'm asking you as my
18 agent, I need some help. The guy didn't show
19 up. We're three weeks from this hurricane.
20 My house is ruined. I have a policy. Is
21 there something you're going to do to help
22 me?

23 She said, Mr. Sanders, What do you want

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1 me to do, write you a check? I said, No,
2 ma'am, I don't want you to write me a check;
3 I want you to get my house fixed. And she
4 said, There's nothing I can do for you,
5 Mr. Sanders. And I said, Fine. She said, I
6 can call Travelers or Standard Fire. I said,
7 I've called Standard Fire; somebody needs to
8 come look at my house.

9 So I left. So that afternoon Mr. Tim
10 Buhlert shows up at my house. And I'll go
11 from there if you --

12 **Q. About what time did he show up?**

13 A. I'd say he showed up early afternoon.

14 **Q. Tell me about the conversation you had when**
15 **he showed up.**

16 A. Okay. Me and my wife and my kids were
17 outside. Mr. Buhlert pulled up and he gets
18 out of the car. We're standing outside and
19 he says, I'm Tim Buhlert. He said, Are you
20 Mr. Sanders? I said, I am. He said, I had
21 phone problems this morning, so I -- I was at
22 the phone -- at the phone company trying
23 to -- the cell phone company trying to get my

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11 (Pages 41 to 44)

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<p>1 phone fixed. And I said, Yeah. And he said, 2 I'm going to tell you why I'm late. I said, 3 All right, why are you late other than that? 4 He said, Because I'm dealing with all these 5 niggers here in Alabama. I said, Do what? 6 And my wife and kids are here. And he says, 7 I'm dealing with these niggers here in 8 Alabama, who are a bunch of savages. 9 And I -- and I said -- I said, Hold on, 10 Mr. Buhlert. I said, My kids are out here. 11 So I sent my kids in the house. And 12 Mr. Buhlert said, I would have been here lots 13 earlier, but I'm dealing -- do you deal with 14 these niggers all the time? I said, 15 Mr. Buhlert, I'm not here to discuss that 16 with you. 17 And he said, I have a -- he said, I have 18 a -- a nigger over here in Montgomery who has 19 a \$200,000 home, and she's trying to get 20 everything she can get from me, and I'm not 21 going to let her get it. I'm going to fight 22 her. So I've been tied up with her every 23 day. She wants me to buy her bread.</p>	<p>1 A. Most all day. 2 Q. Most -- 3 A. Until late afternoon, yes, sir. 4 Q. Mr. Sanders, were you satisfied that as to -- 5 aside from all the other things you testified 6 about Mr. Buhlert -- in terms of the 7 thoroughness of his inspection on that day -- 8 on those two days? 9 A. Say again, now? 10 Q. Were you satisfied with the thoroughness of 11 his inspection on the Friday and the Monday? 12 Did he look at everything you wanted him to 13 look at? 14 A. Yes, he did. 15 Q. I could have asked that a whole lot better. 16 A. Well, I -- 17 Q. I got to it eventually. 18 A. Yes, he did. He did. 19 Q. Did he give you any -- did he ever tell you 20 what you could expect from the claim from 21 that point going forward? 22 A. Yes, sir, he did. 23 Q. What did he tell you?</p>
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<p>1 And I said, Mr. Buhlert, Are you going 2 to look at my -- do you deal with these 3 niggers like this all the time? And I said, 4 Mr. Buhlert, when you come in my house, 5 please don't say that. 6 And we'll go from there when you're 7 ready. 8 Q. Well, what did he do next? 9 A. We went in the house and started -- 10 Q. He started the inspection? 11 A. He stayed till approximately six o'clock that 12 evening. And he said, Mr. Sanders, I need to 13 come back Monday and do my second day of 14 inspections. And I said, That's fine. 15 Q. So on the first day, was he there for several 16 hours? 17 A. Yes, sir, he was. 18 Q. Did you walk around with him or -- 19 A. Yes, sir, I did 20 Q. And he came back on Monday. Did you take off 21 work Monday? 22 A. Yes, I did. 23 Q. How long was he there Monday?</p>	<p>1 A. He told me that -- and I asked him. I said, 2 Can you give me an approximate of what I'm 3 going to get? He said, Yes, sir, I don't 4 normally do this, but I will. He said, 5 you're going to get approximately \$30,000. 6 He said, Is that sufficient? I said, Yes, 7 sir, that is sufficient. And he said, You 8 will have it by Halloween. 9 And then I want to say something else, 10 if I may, about Mr. Buhlert and his language. 11 Q. Sure. 12 A. To this day, my kids -- and, you know, I try 13 to bring my kids up right or what I feel is 14 right. Everybody's different, and obviously 15 as Mr. Buhlert is different. But, you know, 16 to this day I discipline my kids and try to 17 raise them how I feel like they should be 18 raised, and I still have to discipline my -- 19 my -- especially my son for saying that word, 20 all from Mr. Buhlert being at my house. And 21 my son's question to me the last time he 22 brought this up was, Daddy, what is a savage 23 nigger? So that's what my son got from</p>

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1 Mr. Buhlert being at my residence. And I
2 wanted to point that out.
3 **Q. Okay. Did he show you -- when he gave you**
4 **this \$30,000 figure, this was orally?**
5 A. Uh-huh.
6 **Q. Did he show you any worksheets or anything as**
7 **to how it was being calculated and what you**
8 **were getting for what?**
9 A. Yes, sir, he did.
10 **Q. Did he go over it with you in some detail?**
11 A. He didn't go over in any detail. He showed
12 me -- he took notes for two days and got his
13 computer program out. He had his laptop with
14 him, and for two days he done his -- he done
15 his calculations and he done his
16 measurements. And on the Monday evening
17 before he left, he had a legal pad like you
18 have there. And he went over it and had
19 numerous pages and showed me. He said, I
20 will give you an exact -- I cannot give you
21 an exact dollar figure to the penny, but he
22 said it's approximately 30,000.
23 **Q. Okay.**

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1 A. And he says, Is that sufficient? And I said,
2 Yeah, that's sufficient.
3 **Q. Okay.**
4 A. And you will have your check by Halloween.
5 He said, And, Mr. Sanders, you can go ahead
6 and have your house fixed now. I said, No,
7 sir, I can't have it fixed until I get the
8 money. He said, Well, you'll have it by
9 Halloween.
10 **Q. All right. Did you talk to Mr. Buhlert about**
11 **any concern you had over mold at that point?**
12 A. Mr. Buhlert -- Mr. Buhlert brought it up to
13 me about the mold.
14 **Q. Okay.**
15 A. He told me that he had been in this business
16 a long time; and he said, Mr. Sanders, the
17 problem you're going to have here in your
18 residence is what's growing behind these
19 walls. He said, your attic is so wet and has
20 leaked down into these walls; he says, you're
21 going to have a mold problem. He said, it
22 may not show itself for months, maybe even a
23 year or two, he said, but you're going to

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1 have mold in your home.
2 And he said, Do you have -- does any of
3 your children have any kind of allergies?
4 And I said, Yes, my son has bad allergies.
5 And he said, Well, we're going to need to get
6 this fixed because you are going to have a
7 mold problem. And that's when he got on the
8 phone that day and called Mr. Chuck Brown
9 from ICA and -- and right there in front of
10 me told Mr. Brown that he felt like the
11 Sanders' home needed mold remediation. And
12 Mr. Brown, according to Mr. Buhlert, told
13 him, if you don't see any mold, we're not
14 doing any remediation.
15 **Q. Did Mr. Buhlert relate to you whether he saw**
16 **any mold in your house?**
17 A. I cannot say he said he saw any. He just
18 said you can expect it.
19 **Q. Now, you told me about a carpet person that**
20 **Mr. Buhlert called out.**
21 A. Uh-huh.
22 **Q. Did he call anybody else out during his**
23 **inspection to come look at anything?**

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1 A. No.
2 **Q. Did I ask you that carpet person's name?**
3 A. You didn't, but I don't know.
4 **Q. Okay. These figures that you looked at from**
5 **Mr. Buhlert, were they on his computer or**
6 **were they sheets of paper?**
7 A. He actually had them on both. He was taking
8 it from his legal pad and putting it on his
9 computer, because he was punching -- he would
10 say, you get so much -- this cost this to
11 replace and this cost this.
12 **Q. Do you have any recollection as you sit here**
13 **today, as to the specific areas of the house,**
14 **what Mr. Buhlert represented to you, you**
15 **would be paid for? Does that make any**
16 **sense?**
17 A. No, sir.
18 **Q. That may have been a bad question. You told**
19 **me you looked at sheets I am assuming are**
20 **worksheets, like what I call worksheets.**
21 A. Uh-huh.
22 **Q. And usually the worksheets that I have seen**
23 **are broken down room by room.**

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<p>1 A. Uh-huh.</p> <p>2 Q. Certain items that they're going to pay for</p> <p>3 and certain rooms -- telling what you're</p> <p>4 going to do per room.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that --</p> <p>7 A. I understand.</p> <p>8 Q. And what I'm asking is if you have any</p> <p>9 recollection by room what Mr. Buhlert's</p> <p>10 figures said you were going to get.</p> <p>11 A. I can only tell you what Mr. Buhlert --</p> <p>12 Buhlert told me they were going to fix in my</p> <p>13 whole house.</p> <p>14 Q. That would be good.</p> <p>15 A. Is that what you want to know?</p> <p>16 Q. Yes, sir. That would be great.</p> <p>17 A. He said the whole interior of the house would</p> <p>18 be painted. He said the insulation would be</p> <p>19 taken out, replaced. The roof -- a new roof</p> <p>20 would be put on. New hardwood floors would</p> <p>21 be put down. All -- like I say, all</p> <p>22 painting, interior painting, all the carpets</p> <p>23 replaced, surround sound replaced, computer</p>	<p>1 Q. And daughter?</p> <p>2 A. Uh-huh. All the stuff that we lost in the</p> <p>3 attic would be replaced, all the clothes.</p> <p>4 All the food we lost would be replaced. All</p> <p>5 the blinds, the blinds in the house would be</p> <p>6 replaced, all of them but about three. And</p> <p>7 he said since they were all in an open room,</p> <p>8 the living room and dining room, that these</p> <p>9 would be replaced also along with all of the</p> <p>10 rest of them in the house that were actually</p> <p>11 water damaged. He said all that would be</p> <p>12 replaced.</p> <p>13 Q. Those are wooden blinds?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right.</p> <p>16 A. The foyer would be replaced.</p> <p>17 Q. When you say the foyer, you mean the floor?</p> <p>18 A. Uh-huh.</p> <p>19 Q. I've got a pretty good list, I think.</p> <p>20 A. And that may not be all.</p> <p>21 Q. I understand.</p> <p>22 A. That's just all I can think of right now.</p> <p>23 Q. That's all I want to know is your</p>
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<p>1 fixed, tables -- kitchen tables replaced,</p> <p>2 chairs replaced, bar stools replaced, all</p> <p>3 carpet, all furniture --</p> <p>4 Q. Hang on. I'm writing as fast as I can. I</p> <p>5 got carpets replaced, surround sound, kitchen</p> <p>6 tables. Bar stools?</p> <p>7 A. Bar stools.</p> <p>8 Q. Okay. Keep going. You're just going to have</p> <p>9 to go a little slower.</p> <p>10 A. Okay. All furniture cleaned.</p> <p>11 Q. Okay.</p> <p>12 A. Work had to have been done on some cabinets</p> <p>13 that were collapsing due to the water.</p> <p>14 Q. Okay.</p> <p>15 A. Like I say, several pieces of ceiling, the</p> <p>16 sheetrock --</p> <p>17 Q. Yes, sir.</p> <p>18 A. -- cut out and replaced. The bed -- my</p> <p>19 child's beds replaced.</p> <p>20 Q. Are those the -- are those bunk beds?</p> <p>21 A. Yes, sir.</p> <p>22 Q. In your son's room?</p> <p>23 A. And daughter.</p>	<p>1 recollection.</p> <p>2 A. Oh, and I can tell you another. The -- the</p> <p>3 storage shed roof replaced, the gate of my</p> <p>4 fence replaced, and sections of my fence</p> <p>5 replaced.</p> <p>6 Q. Mr. Sanders --</p> <p>7 A. Yes, sir.</p> <p>8 Q. -- when he gave you this estimate, he said</p> <p>9 \$30,000; and you said that seems about right</p> <p>10 to me?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Are you going on your own experience, or did</p> <p>13 you have somebody come in and tell you how</p> <p>14 much it was going to be to fix your house?</p> <p>15 A. No. I was going on what he told me that I</p> <p>16 took in good faith was the standard</p> <p>17 replacement cost. Because he had a program,</p> <p>18 computer program, that he showed me; and he</p> <p>19 said, Mr. Sanders, this is what it cost to</p> <p>20 replace these items. He actually showed me.</p> <p>21 So I took him at his word that he was there</p> <p>22 to help me and guide me in this. So I had no</p> <p>23 reason not -- not to believe him.</p>

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<p>Page 53</p> <p>1 Q. Yes, sir. I understand. I just wanted to 2 make sure that it was your understanding of 3 what it would take and not somebody you had 4 asked to come in and look at it. 5 A. No, sir. No, sir. 6 Q. So Mr. Buhlert leaves on a Monday? 7 A. Yes, sir, he does. 8 Q. Tells you to expect your check by Halloween? 9 A. Yes, sir. 10 Q. What is the next thing that happens? 11 A. Oh, about a week or 10 days later, I get a 12 call from Mr. Buhlert one evening when I come 13 in. 14 Q. Tell me about that conversation. 15 A. Mr. Buhlert says, Mr. Sanders, this is Tim 16 Buhlert. And he said, I just wanted to let 17 you know that I've been fired from my job 18 And he says, The payment -- you will not be 19 receiving a payment as promised. He said, 20 They will -- Standard Fire will set you up 21 another adjustor and that -- he said, 22 Mr. Sanders, I want you to know something. I 23 said okay.</p>	<p>Page 55</p> <p>1 Q. The State Department of Insurance. When was 2 the first time you talked to them? 3 A. I believe the first time I went to the 4 Department of Insurance was the next morning 5 following this conversation right here with 6 Mr. Buhlert. 7 Q. All right. So in this conversation with him, 8 as I understood what you told me, that Chuck 9 Brown made these remarks in response to the 10 fact that you had gone to the commissioner's 11 office. 12 A. Yes, sir. 13 Q. And you had not been to the commissioner's 14 office before this time? 15 A. No. That I complained. And then, 16 subsequently, I went to the commissioner's 17 office, but -- 18 Q. Okay. Let's -- let's -- 19 A. Okay. I'm sorry. I'm sorry. I got ahead of 20 myself. 21 Q. No. I got a little confused. You were 22 complaining to Standard Fire? 23 A. Right.</p>
<p>Page 54</p> <p>1 He said, You remember when you went to 2 the Alabama Insurance Commissioner's Office 3 and complained a couple of times on Standard 4 Fire and ICA? I said, Yes, sir. He said, 5 Chuck Brown told me that yours would be the 6 last damn house fixed in the state of 7 Alabama; being you wanted to complain, we'll 8 give you something to complain about. 9 I said, Thank you, Mr. Buhlert. And I 10 said, Well, why are you calling me? He said, 11 Because they -- they done me wrong. I tried 12 to do them a good job, and they didn't like 13 what I was turning in, and they fired me. 14 Q. And Mr. Buhlert, in that conversation, was 15 referencing conversations you had with the 16 State Department of Insurance prior to this 17 time? 18 A. Uh-huh. 19 MR. SANSPREE: Answer -- 20 Q. Out loud. 21 A. Yes. Yes. 22 Q. Tell me about those conversations. 23 A. With?</p>	<p>Page 56</p> <p>1 Q. And to your agent? 2 A. And to ICA. 3 Q. And to ICA? 4 A. Right. 5 Q. Who at ICA did you talk with? 6 A. Chuck Brown. 7 Q. You talked with Chuck Brown personally? 8 A. Yes. Several times. 9 Q. All right. When did you first talk to Chuck 10 Brown in this whole process? 11 A. The first time I believe I talked to Chuck 12 Brown was the day that Tim Buhlert didn't 13 show up at his assigned time. 14 Q. The same day you went to the agent's office? 15 A. Yes. 16 Q. And what did Chuck Brown tell you? 17 A. He told me that he would get it handled. 18 Q. Okay. 19 A. That Mr. Buhlert would be there, he would get 20 him out there. And I apologize because I 21 misspoke earlier about when I went -- 22 Q. That's all right. I don't think you 23 misspoke. I was just confused, and we</p>

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<p>1 just --</p> <p>2 A. I -- I was confused as to what -- the</p> <p>3 events. And I'm sorry. I apologize for</p> <p>4 that.</p> <p>5 Q. That's all right. We'll get it straightened</p> <p>6 out.</p> <p>7 A. Okay.</p> <p>8 Q. So you talked to Chuck Brown that day?</p> <p>9 A. Right.</p> <p>10 Q. He said he would get it handled?</p> <p>11 A. Right.</p> <p>12 Q. Mr. Buhlert is out that afternoon. When was</p> <p>13 the next time you talked with Chuck Brown?</p> <p>14 A. The next time I talked to Chuck Brown was the</p> <p>15 next day after Tim Buhlert got fired.</p> <p>16 Q. So this day, this next day, you talked</p> <p>17 with -- you think you talked with the</p> <p>18 commissioner's office?</p> <p>19 A. Hold on. Let me get it straight. The next</p> <p>20 day after he got fired and I wasn't going to</p> <p>21 get any money, I went to Pinckard Agency and</p> <p>22 complained with them again. When I left</p> <p>23 there, I went to the Alabama Insurance</p>	<p>1 with it? And they said, We'll have to get</p> <p>2 back with you on that. They said, But</p> <p>3 somebody will be at your house Monday -- a</p> <p>4 Mike Davis will be at your house,</p> <p>5 Mr. Sanders, Monday.</p> <p>6 Q. Now, who was the person at the Insurance</p> <p>7 Department?</p> <p>8 A. Ken Williamson.</p> <p>9 Q. Ken Williamson?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Now, Mr. Williamson got on this three-way</p> <p>12 phone call with -- do you know who he was</p> <p>13 talking to at ICA?</p> <p>14 A. Jean Harper.</p> <p>15 Q. Jean Harper?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you know who he was talking to at Standard</p> <p>18 Fire?</p> <p>19 A. Chuck Brown. Oh, I'm sorry. No. Jean</p> <p>20 Harper doesn't work for --</p> <p>21 Q. At Standard? That's --</p> <p>22 A. That's Travelers.</p> <p>23 Q. Okay. And Chuck Brown at ICA?</p>
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<p>1 Commission's Office.</p> <p>2 Q. Okay.</p> <p>3 A. And what I -- and what I meant to say -- and</p> <p>4 I apologize -- is when -- initially when I</p> <p>5 complained, it was complaining to Standard</p> <p>6 Fire and to Pinckard Agency is what he was</p> <p>7 referencing that I went in to make a</p> <p>8 complaint to.</p> <p>9 Q. I understand. I understand that.</p> <p>10 A. Okay. And then I went to the Alabama</p> <p>11 Insurance Commissioner's Office and told him</p> <p>12 what happened. So he called Standard Fire</p> <p>13 and got them and ICA on the three-way. And</p> <p>14 he says, Mr. Sanders is here making a</p> <p>15 complaint. He says, Mr. Sanders informed us</p> <p>16 that Tim Buhlert got fired, and we want to</p> <p>17 know -- and the insurance commissioner said</p> <p>18 we want a copy of his worksheet,</p> <p>19 Mr. Buhlert's worksheet.</p> <p>20 And they said, Well, we can't -- we</p> <p>21 don't have it. And he said, You don't have</p> <p>22 it? And they said, That's right, we don't</p> <p>23 have it. And he said Well, what did you do</p>	<p>1 A. That's right.</p> <p>2 Q. Were they on speaker?</p> <p>3 A. Yes. And I'll tell you what they said when</p> <p>4 you get ready.</p> <p>5 Q. You go ahead. I'm writing.</p> <p>6 A. Mr. Williamson asked what I told you</p> <p>7 previously about we want a copy of the</p> <p>8 worksheet, dah-dah-dah. Jean Harper said,</p> <p>9 Mr. Williamson, I can promise you that there</p> <p>10 will be a new adjustor at the Sanders' house</p> <p>11 Monday morning; his claim will be finished</p> <p>12 Monday evening. And she said, Do you hear</p> <p>13 me, Mr. Brown? He said, Yes, ma'am, I do</p> <p>14 hear you. She said, I want him out there at</p> <p>15 the Sanders' house at eight o'clock Monday</p> <p>16 morning and I want it sitting on my desk</p> <p>17 completed Monday afternoon. He said, Yes,</p> <p>18 ma'am, that will happen.</p> <p>19 And then Mr. Brown said, Mr. Sanders,</p> <p>20 we're going to get it taken care of. Mike</p> <p>21 Davis will be the gentleman coming to your</p> <p>22 house Monday morning at eight o'clock.</p> <p>23 Q. How did you get to Mr. Williamson? Did you</p>

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<p>Page 61</p> <p>1 know Mr. Williamson?</p> <p>2 A. No. I went straight to the Insurance</p> <p>3 Commissioner's Office and told them I had a</p> <p>4 problem and I needed some help. And they</p> <p>5 told me to come right in.</p> <p>6 Q. All right. So was this on -- since he was</p> <p>7 going to be there on a Monday morning I'm</p> <p>8 assuming this was a Friday.</p> <p>9 A. Yes, sir.</p> <p>10 Q. I'm making that assumption.</p> <p>11 A. Yes, sir.</p> <p>12 Q. So does Mr. Davis show up Monday morning?</p> <p>13 A. He did.</p> <p>14 Q. Eight o'clock --</p> <p>15 A. He did.</p> <p>16 Q. -- or around there?</p> <p>17 A. Around eight o'clock.</p> <p>18 Q. And you were off work that day?</p> <p>19 A. I took -- I wasn't off, but I took off.</p> <p>20 Q. And tell me about conversations with</p> <p>21 Mr. Davis.</p> <p>22 A. Okay. Can we take a break for a second</p> <p>23 before I get into that?</p>	<p>Page 63</p> <p>1 anywhere you want; show me what's wrong. So</p> <p>2 I knew what kind of day we was fixing to have</p> <p>3 then.</p> <p>4 I said, As you can see, I said, on the</p> <p>5 ceiling up there, you can see -- I said, of</p> <p>6 course it's dry now, but where the water had</p> <p>7 leaked in. And he said -- he said, you can</p> <p>8 accuse me of being blind this morning, he</p> <p>9 said, but I don't see shit. And I said, Hold</p> <p>10 on, Mr. Davis. I said, My wife is in here.</p> <p>11 I said, You're not going to talk like that in</p> <p>12 my house; I said, I can tell you that right</p> <p>13 now. And he looked at me. And I said, Now,</p> <p>14 do you want me to go forward?</p> <p>15 So I started telling him what was wrong</p> <p>16 with each room. And he had a little camera</p> <p>17 in his hand; and when I would show him like</p> <p>18 where the windows was cracked and rotten from</p> <p>19 the water, he would look at me and smirk and</p> <p>20 raise his camera up and take a picture and</p> <p>21 then look at me: Next? So he was very</p> <p>22 obnoxious. He was rude. He tried to</p> <p>23 intimidate me. He was as big as the house,</p>
<p>Page 62</p> <p>1 Q. Sure. Absolutely. Absolutely. And I meant</p> <p>2 to tell you that. If you need to take a</p> <p>3 break anytime --</p> <p>4 A. Yes.</p> <p>5 (Brief recess)</p> <p>6 Q. We're back to Mr. Davis.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Eight o'clock Monday morning.</p> <p>9 A. Yes, sir.</p> <p>10 Q. Tell me what happened.</p> <p>11 A. Okay. Mr. Davis pulled up. I saw him get</p> <p>12 out of his truck. He came to the door, to</p> <p>13 the back door, side door; and I opened -- I</p> <p>14 had the -- the main door open. And I opened</p> <p>15 up the glass door; and I said, How are you</p> <p>16 doing, my name is Phil Sanders. And he</p> <p>17 stepped in up to me, wouldn't shake my hand.</p> <p>18 I looked at him. He said, You need to show</p> <p>19 me what's wrong.</p> <p>20 I mean, I looked at my wife, whatever,</p> <p>21 and turned around. And I said, Well, do you</p> <p>22 want to start in here in this room here since</p> <p>23 we're right here? He said, You start</p>	<p>Page 64</p> <p>1 as you'll see when you see him, how big he</p> <p>2 is. So, obviously, I see he was there to</p> <p>3 intimidate me, I guess were his intentions.</p> <p>4 And, you know, so anyway we started</p> <p>5 going from room to room. It went very</p> <p>6 quickly. I said, do you want me to point it</p> <p>7 out, I said, like when me and Mr. Buhlert</p> <p>8 done this? He said, Let me tell you</p> <p>9 something. He said, Mr. Buhlert has caused</p> <p>10 me a lot of problems; I don't care about</p> <p>11 Mr. Buhlert; show me what's wrong with your</p> <p>12 house; I'm working the case, not Mr. Buhlert.</p> <p>13 So like I say, it was very tense in the</p> <p>14 house. He obviously wasn't there with my</p> <p>15 best interests. He was there to teach me a</p> <p>16 lesson, I assume, show me who was in charge.</p> <p>17 Because, see, just like this -- and I didn't</p> <p>18 say this while ago. The next day after</p> <p>19 Mr. Buhlert got fired and I called Chuck</p> <p>20 Brown, there was a phone message left on my</p> <p>21 answering machine from Mr. Buhlert. And it</p> <p>22 said, Mr. Sanders, this is Tim Buhlert. He</p> <p>23 said, Please don't make no more calls on my</p>

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<p>1 behalf, he said, because if you do, I'm going 2 to jail. And he left that on my answering 3 machine. I'm sure you've heard that, that 4 conversation. 5 And then like I say, that next day or 6 when I talked to Mr. Buh -- Mr. Chuck Brown, 7 he also said, Mr. Sanders, he said, I 8 don't -- he said, Ms. Washing and Ms. Courson 9 have informed me that you're trying to commit 10 a fraud. And I said, Do what? He said, 11 You're -- they informed me that you're trying 12 to submit a fraudulent claim. And I -- you 13 know, I said, Well, that's your opinion; 14 that's their opinion. 15 So just to let you know, that's -- and 16 that's why I figure they sent this big old 17 fellow down to -- to Montgomery out of Ohio I 18 guess to teach me a lesson and intimidate me 19 in my house. And the whole way through our 20 house, when I would show stuff to him, he 21 would stick his camera in there and do that 22 smirk at me and try to get close up to me. 23 And -- and it was -- it was just an</p>	<p>1 closet. 2 A. Yes, sir. Air handler room. 3 Q. Did you show him in there? 4 A. Yes, sir. And also I want to say this. When 5 I showed him the air handler room -- because 6 the air handler room was just awful damp 7 because that's where the -- even when he got 8 there that room was -- was still wet. So he 9 walked outside to get a piece of equipment. 10 I don't know how long he's been in the 11 business. I feel like he's -- his job is the 12 enforcer, and that's what his job is. No 13 doubt in my mind why he's sent to a house, 14 not because he's a good adjustor. 15 He goes out, he brings back a piece of 16 equipment. He said, Yeah. He said, You see 17 this -- and, of course, he talked to me like 18 I was an Alabama hick, like I'm some idiot. 19 And that's his whole thing. And he showed 20 me, he said, You see this machine here? He 21 said, This right here tells you how damp a 22 piece of wood is. He said, People don't know 23 when they file fraudulent claims -- didn't</p>
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<p>1 afternoon -- or not an afternoon. He didn't 2 stay that long. It went real quick. And I 3 told him, I said, do you want me to pull up 4 the carpet and show you where it's 5 delaminated? You can see it. No, I don't 6 need to look at your carpet. I said, Fine. 7 We got up -- went up to the attic. I 8 pulled the attic down and stepped up in there 9 and got up in the attic. And I said, I'll 10 show you. Be careful when you walk up here 11 because -- you know. He stuck his camera up 12 there with -- again with that smirk, and 13 looked at me and snapped several pictures off 14 and got down out of the attic. 15 And like I say, he obviously was not 16 there to help me. He was there to hurt me, 17 show me who was boss, and not interested in 18 giving me what was due me through my policy. 19 And I know that. And that's why we're here, 20 I guess. 21 Q. Okay. So he never pulled up any carpet? 22 A. None. 23 Q. Did you show him this -- I call it a utility</p>	<p>1 accuse me of filing one, mind you. He said, 2 People don't know when they file fraudulent 3 claims, when they wet something, they don't 4 think about that, you know, the wet -- that 5 the wood has got to be saturated with water; 6 that way it registers being wet. 7 So he turned around with his smirk and 8 looked at me and stuck the little prong in 9 the wood and left it there for 30 seconds or 10 so and pulled it up and turned it. He said, 11 This reading from zero to some odd number 12 would mean it's fairly damp, and he went down 13 the scale. He says, What does it say, 14 Mr. Sanders? And I said, It doesn't say 15 anything, sir. So then he figured out it 16 didn't have a battery in it, so he went and 17 put that up. 18 You know, that's the kind of afternoon I 19 had. Okay? 20 Q. Yes, sir. 21 A. With the enforcer in my house. And, of 22 course, later to find out he assaulted my 23 wife. We'll get to that. You know, not only</p>

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<p>Page 69</p> <p>1 did he come to intimidate us, he physically 2 put his hands on my wife. And, you know, 3 that's neither here nor there, because 4 obviously I wasn't there. 5 Q. Okay. 6 A. But -- 7 Q. Now, I just want to get the time frame 8 straight. He got there about eight o'clock. 9 How long did he stay? 10 A. I'd say he was -- I left before he left 11 because I had to go back to work; but he was 12 probably there an hour, a little over an hour 13 while I was there. And I don't know how long 14 he stayed after I left, but you can ask my 15 wife. 16 Q. I'll ask her that. Did he ever put a battery 17 back in his moisture reader? 18 A. No. 19 Q. And when you say that that room was wet, what 20 kind of floor does that room have or did it 21 have that day? 22 A. It has a -- like a particle board floor. 23 Q. And that was wet that day? </p>	<p>Page 71</p> <p>1 asking you -- I know you -- I'm not asking 2 you to say more than you know -- but in your 3 opinion could have been mold or could have 4 been mildew or something was different? 5 A. You know, I just -- like I say, I don't think 6 I knew enough about it to -- 7 Q. That's fair enough. So his inspection of the 8 downstairs, you've already described that to 9 me. And then you've described he did not 10 ever go -- take his -- physically walk up 11 into the attic? 12 A. He stepped up to the top -- to the top step 13 of the stairs and put his camera up there and 14 don't let me forget, looking at me, smirking 15 the whole time, trying to intimidate me I 16 guess is what his game was, and snapped 17 several pictures around and then got out. 18 Q. So he never physically walked up into the 19 attic? 20 A. No. 21 Q. Were you there when he inspected your roof? 22 A. No. I was gone. 23 Q. Did he talk to you about any of the </p>
<p>Page 70</p> <p>1 A. Yes, sir. 2 Q. At any point up to this day -- this is off 3 the -- I'll get back to where we were 4 going -- had you seen anything that you would 5 consider to be mold or mildew growth in your 6 home? 7 A. I -- I did see a couple of things; and not 8 being familiar with mold or mildew, I didn't 9 know what I was looking at. I noticed we had 10 a bad odor in the house. And, of course, I 11 attributed that to just being the carpet and 12 the whole thing. And, of course, as I found 13 out later from Mr. Mike Riggs, when he 14 pointed out mold growing, that's what we were 15 smelling more so than the carpet, in his 16 opinion. And yes, because after we found the 17 mold growing in the attic, I have been 18 cleaning mold. To this day, I still have to. 19 Q. Did you ever see anything -- I've got the 20 odor down. Did you ever see anything on the 21 walls, black stuff on the walls, any 22 discoloration other than the water stains, 23 that you would, in your mind -- I'm not </p>	<p>Page 72</p> <p>1 furniture? 2 A. He wouldn't talk to me about anything, sir. 3 I tried to talk to him about the furniture, 4 and he done his classic little smirk and kept 5 moving. 6 Q. Okay. And this is what I wanted to 7 understand. And you described with 8 Mr. Buhlert, you and Mr. Buhlert going 9 through the house and him discussing this 10 specific item, this specific item. Mr. Davis 11 did not discuss anything with you -- 12 A. No, sir. 13 Q. -- other than the conversation? 14 A. He would not talk to me and made it very 15 clear to me on more than one occasion that 16 this was his case. 17 Q. So you went back to work in about an hour, 18 hour and a half. What was the next thing 19 that happened on the claim? 20 A. The next thing I remember is -- okay. Well, 21 that night I called Ms. Jean Harper and -- 22 because the -- as the agreement was from the 23 Alabama Department of Insurance office, it </p>

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<p>1 would be done Monday afternoon, completed. 2 And it wasn't. Ms. Harper was nowhere to be 3 found. I was told she was off. So then they 4 put me to a Mr. Greg Fryer and to a Mr. -- I 5 think it was Brian Coffin. I talked to them 6 over several days, and they told me plenty of 7 untruths theirself and would not call me 8 back. 9 So I called Mr. Brown, Chuck Brown, 10 again. And I said, Mr. Brown, this is Phil 11 Sanders and y'all agreed that my claim would 12 be done today; can I check on the status of 13 that? He said, Let me tell you something, 14 mister. He said, Your claim ain't going to 15 be done today; it will be a week or two. I 16 said, Well, you know, we made the agreement. 17 He says, We got the case; don't tell us how 18 to do our work. He said, Because all you're 19 doing is filing a fraudulent case. I know 20 what you're doing, Mr. Sanders. I said, you 21 know, fine. 22 Q. All right. Back up just a minute. So after 23 Mr. Davis came out and the conversation, you</p>	<p>1 of; and it never was. And then all of a 2 sudden, I get a check, you know, for two 3 thousand and something dollars. And I'm mad 4 and I'm upset and I know that I've been done 5 an injustice; that, you know, I was taught a 6 lesson. And Standard Fire was allowing this 7 to go on because I made it clear the 8 allegations of what Mr. Brown said about me. 9 I made it very clear of that. And, you know, 10 they chose to handle it the way they chose to 11 handle it. 12 Q. Okay. Let me stop you just a second. I want 13 to get these conversations in order. 14 A. Okay. 15 Q. And the conversations with Mr. Coffin and 16 Mr. Fryer, you told me the untruths were they 17 wouldn't return your phone calls. 18 A. That's correct. 19 Q. Did they ever call you back? These -- let me 20 narrow it down. These initial calls that you 21 made to them, you made -- I'm understanding 22 you made separate calls to them. 23 A. I made separate calls to that office. And</p>
Page 74	Page 76
<p>1 tried to call Jean Harper? 2 A. Uh-huh. 3 Q. Jean was gone? 4 A. Uh-huh. 5 MR. SANSPREE: Try to answer out. 6 A. Yes. 7 Q. You talked to Mr. Fryer and Mr. Coffin? 8 A. His last -- I talked to a Mr. Greg Fryer, and 9 I believe his name was Brian Coffin. 10 Q. And you told me that you talked with them 11 over a period of several days? 12 A. Yes, sir. 13 Q. And you said that they told you some things 14 that were untrue? 15 A. Yes, sir. 16 Q. Tell me what those were. 17 A. Well, the first thing was, We'll call you 18 back in a few minutes, Mr. Sanders. And they 19 wouldn't call me back. I hope you've got the 20 toll records to show how many phone calls 21 they made to my house because that backs me 22 up better than anything. So they lied to me 23 in that sense, that it would be taken care</p>	<p>1 occasionally they would put him on the phone, 2 and occasionally they would put the other on 3 the phone. 4 Q. And how many -- if you can remember, how many 5 did you make to them right after Mr. Davis 6 came out in, say, the one or two days right 7 after? 8 A. Over ten. 9 Q. And did you -- how many times did you talk 10 with them personally on -- not a voice mail? 11 A. Several. 12 Q. And they told you each time they would get 13 back to you? 14 A. Yes, sir. 15 Q. And they never did? 16 A. And they never did. 17 Q. And aside from that, is there anything else 18 they told you that you're contending was 19 untrue? 20 A. Well, I asked -- after I got the check, I 21 asked Mr. Coffin would he send me a copy of 22 my -- of this file where I could see. And he 23 refused.</p>

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20 (Pages 77 to 80)

<p>Page 77</p> <p>1 Q. Okay. And we'll get to that.</p> <p>2 A. Okay.</p> <p>3 Q. I'm just talking about these conversations</p> <p>4 right after.</p> <p>5 A. Oh, oh. At no time -- he told me this,</p> <p>6 Brian Coffin. I said, Mr. Coffin, I'm</p> <p>7 sitting here right now -- and it was raining</p> <p>8 that night, and my house was still leaking.</p> <p>9 And my son was in there broke out from head</p> <p>10 to toe with what the doctor later said was a</p> <p>11 result of that mold, couldn't breathe. And I</p> <p>12 said, Mr. Coffin, I'm sitting in this house</p> <p>13 that's still leaking with your check for two</p> <p>14 thousand something dollars to fix my house.</p> <p>15 And I said, My son can't even breathe in</p> <p>16 there. Well, then, you need to do what you</p> <p>17 need to do, don't you? I said, Yes, sir, I</p> <p>18 guess I do.</p> <p>19 Q. And that took place -- that was after you got</p> <p>20 the check? That was -- let's do this. When</p> <p>21 did you get the check for the \$2800 after</p> <p>22 Mr. Davis came out? How long was it? Do you</p> <p>23 remember?</p>	<p>Page 79</p> <p>1 might be due under my contract to be able to</p> <p>2 stay in a motel. My house was unlivable.</p> <p>3 They made no -- they made no offer to help me</p> <p>4 and lied to me in the sense that they said we</p> <p>5 will make sure it is handled properly. And</p> <p>6 they didn't.</p> <p>7 Q. On another topic, did you ever receive a copy</p> <p>8 of your policy?</p> <p>9 A. I never got a copy of my policy.</p> <p>10 Q. Did you ever receive anything telling you</p> <p>11 what kind of coverages you have?</p> <p>12 A. The only thing I ever received from Standard</p> <p>13 Fire was a dec sheet.</p> <p>14 Q. Did you ever ask your agent why you didn't</p> <p>15 get a copy of the policy?</p> <p>16 A. No.</p> <p>17 Q. So we talked about the conversations in this</p> <p>18 two- or three-day period right after</p> <p>19 Mr. Davis came with the Standard Fire folks</p> <p>20 with Fryer and Coffin. And you also said</p> <p>21 that you called -- well, let me ask you</p> <p>22 this. After you talked with them during this</p> <p>23 period of time, did you talk with anybody</p>
<p>Page 78</p> <p>1 A. A week or 10 days, as best I recall. It was</p> <p>2 a while. It wasn't Monday.</p> <p>3 Q. Okay. So these couple of days after</p> <p>4 Mr. Davis came out on a Monday, you had</p> <p>5 conversations with Greg Fryer and Brian</p> <p>6 Coffin and they would not return your phone</p> <p>7 calls?</p> <p>8 A. Nor Jean Harper.</p> <p>9 Q. Nor Jean Harper.</p> <p>10 A. Uh-huh.</p> <p>11 Q. And you also -- and aside from them saying</p> <p>12 I'll call you back and not doing it, is there</p> <p>13 anything else they told you that was untrue</p> <p>14 in those conversations?</p> <p>15 A. Sure.</p> <p>16 Q. What did they tell you?</p> <p>17 A. Both of them told me that, Mr. Sanders, we</p> <p>18 will see that your claim is handled properly</p> <p>19 and you are done or given what's due you</p> <p>20 under your contract. And that was an</p> <p>21 untruth, because they did not. And at no</p> <p>22 time did they offer me anything such as --</p> <p>23 you know, at the time, I didn't know that I</p>	<p>Page 80</p> <p>1 else?</p> <p>2 That's a bad question. Let's go back</p> <p>3 and start all over. You said you talked to</p> <p>4 Chuck Brown?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And this was one or two weeks after Mr. Davis</p> <p>7 came out. And he had told you -- no. This</p> <p>8 was when he told you you would get your check</p> <p>9 in one or two weeks?</p> <p>10 A. No, no, no.</p> <p>11 Q. Okay.</p> <p>12 A. Who told me I would get a check?</p> <p>13 Q. Chuck Brown. Your claim would get handled in</p> <p>14 one or two weeks.</p> <p>15 A. No, sir. My claim would be handled --</p> <p>16 finished Monday evening after he -- oh, and</p> <p>17 then when he told me, yeah, he said it would</p> <p>18 be a week or two. You're right.</p> <p>19 Q. After Mr. Davis.</p> <p>20 A. Absolutely.</p> <p>21 Q. So in that conversation with Chuck Brown, did</p> <p>22 he say anything else to you?</p> <p>23 A. Well, actually, his brother got on the phone</p>

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<p>1 during one of those times, a Mr. Troy Brown.</p> <p>2 Q. Okay.</p> <p>3 A. And Mr. Troy Brown said, Mr. Sanders, there</p> <p>4 again, I think you're filing a fraudulent</p> <p>5 claim and so you can stop the bullshit, you</p> <p>6 know, was his words to me. And I -- and I</p> <p>7 come to find out, I believe he may be the</p> <p>8 president of the company. I don't know.</p> <p>9 Q. All right. So Chuck Brown told you were</p> <p>10 filing a fraudulent claim?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Troy Brown told you you were trying to file a</p> <p>13 fraudulent claim? Do you remember when you</p> <p>14 talked to Troy in relation to all this?</p> <p>15 A. I do. Troy --</p> <p>16 Q. When was that?</p> <p>17 A. I talked to Troy after I got the check. And</p> <p>18 it was the next day, like a Saturday. And he</p> <p>19 happened to be there at the office. Of</p> <p>20 course, as I have found out in the past,</p> <p>21 it's -- obviously, it must be like a</p> <p>22 two-dollar company, because sometimes they</p> <p>23 answer and sometimes they don't. So he -- he</p>	<p>1 A. I called. Of course, I only spoke with one</p> <p>2 of them.</p> <p>3 Q. Do you remember who you called?</p> <p>4 A. If I had to say, I would say it was</p> <p>5 Mr. Fryer.</p> <p>6 Q. Tell me about that conversation.</p> <p>7 A. He said, You know, Mr. Sanders, he said, I</p> <p>8 don't understand what's going on here. He</p> <p>9 said, But I do know, he said, after talking</p> <p>10 with you and all that we've been through the</p> <p>11 last few weeks and, he said, you telling me</p> <p>12 the kind of damage that your house sustained</p> <p>13 and, he said, then when I got this report --</p> <p>14 when I finally got this report, he said, I</p> <p>15 was in shock, he said, because there is such</p> <p>16 a discrepancy in the two claims. Something</p> <p>17 ain't right. And I said, Yes, sir, and are</p> <p>18 you going to do something about it? And he</p> <p>19 said, There's nothing I can do. I said,</p> <p>20 Fine. I said, Can I have everything in my</p> <p>21 file sent to me?</p> <p>22 And then he sent me a letter saying --</p> <p>23 he sent me a few things, pictures. And then</p>
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<p>1 got on the phone and was very rude and</p> <p>2 belligerent and, you know, let me know what</p> <p>3 he thought about me and he was not there to</p> <p>4 help me.</p> <p>5 Q. Okay. So you talked with Chuck right after</p> <p>6 Mr. Davis came out?</p> <p>7 A. I talked to Chuck several times during that</p> <p>8 week. I mean, maybe a couple of times a</p> <p>9 day. You know, numerous times did I call</p> <p>10 that number and talk to Mr. Chuck Brown.</p> <p>11 Q. And then you got a check?</p> <p>12 A. Yes, sir.</p> <p>13 Q. In the amount of around \$2800, something like</p> <p>14 that?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And that resulted -- you called somebody</p> <p>17 about that?</p> <p>18 A. I called them all.</p> <p>19 Q. You called -- first let's start with the</p> <p>20 Standard Fire folks first.</p> <p>21 A. Absolutely.</p> <p>22 Q. You called Mr. Fryer, Mr. Coffin, and</p> <p>23 Ms. Harper?</p>	<p>1 he sent me a letter saying that until he got</p> <p>2 approval by local management, he would not</p> <p>3 send me anything, which I believe is a</p> <p>4 violation of their contract; but be that as</p> <p>5 it may.</p> <p>6 Q. So this conversation with Mr. Fryer, was this</p> <p>7 the same conversation you were talking about</p> <p>8 when it was raining?</p> <p>9 A. No. Because that was at night when I talked</p> <p>10 to him. That was in the evening.</p> <p>11 Q. Do you know if that was before this one?</p> <p>12 A. That was before that right there because that</p> <p>13 was about the last one right there.</p> <p>14 Q. When you talked to him that night saying it's</p> <p>15 raining, we still got a problem and --</p> <p>16 A. And my son can't breathe.</p> <p>17 Q. Son can't breathe -- did he have the file?</p> <p>18 Did he have the estimates from Mike Davis?</p> <p>19 Do you know? Did he reference those in the</p> <p>20 conversation?</p> <p>21 A. Oh, he had them by then, yes, sir. I -- I</p> <p>22 think. Let me preface that by I believe he</p> <p>23 did.</p>

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22 (Pages 85 to 88)

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1 Q. Let me ask it this way. Do you remember
2 talking to him about it, about those specific
3 estimates --
4 A. Oh, sure.
5 Q. -- in that conversation?
6 A. Well, I can't say which conversation, but I
7 recall him saying about the discrepancy.
8 Q. But I understand that was yet another
9 conversation that took place a little later.
10 A. And it may have been.
11 Q. Okay. That's fair enough. Now, once you got
12 the check, you said you called everybody.
13 Did you call Troy or Chuck? Is that when you
14 got Troy on the phone?
15 A. I think that's when Troy got on the phone.
16 Q. And after this conversation with Troy, did
17 you talk to anybody else at ICA?
18 A. I don't believe so.
19 Q. Did you call the State Department of
20 Insurance?
21 A. I went down there.
22 Q. When did you go down there? Was it the next
23 week? Because you said you talked to Troy on

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1 a Saturday.
2 A. I don't recall when I went, but it was after
3 that, and it wasn't on a -- obviously it was
4 during the week that I went down there, but
5 yes, I went down there again.
6 Q. All right. And you went to see
7 Mr. Williamson again?
8 A. Yes, I did.
9 Q. Tell me what happened then.
10 A. I showed him the pictures of my son, told him
11 what had happened, told him, you know, how
12 they said they were coming, you know, that
13 Monday and they didn't and all that. And he
14 indicated to me that that was wrong and that
15 he was prepared to check into it and didn't
16 know if he could do me any good, but he was
17 certainly going to try.
18 Q. Okay. Did he take any action while you were
19 in his office on that day, or was it later?
20 A. I don't recall him doing the action while I
21 was there in front of him. He called me back
22 a few days later.
23 Q. What did he say then?

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1 A. He said, I talked to whoever. And I said,
2 Mr. Williamson, I've been informed by my
3 attorney to let you know that we filed suit.
4 He said, Fair enough. He said, I wish you
5 good luck. And he said, Now that you've
6 filed suit, I have to close this out. If
7 y'all need me, you call me and I will be glad
8 to help you. And I said, Well, thank you.
9 Q. Did he tell you anything about any
10 conversations he had with Standard Fire?
11 A. Other than -- I mean, I read his -- I read
12 y'all's report that y'all sent where, you
13 know, y'all talked to him or somebody talked
14 to him.
15 Q. But he didn't tell you anything in that
16 conversation?
17 A. He just said that he had talked to them and
18 that he said that -- he showed them the
19 pictures and he said that he was informed by
20 somebody from Standard Fire, well, this is a
21 coverable -- something under -- and I don't
22 know the insurance lingo; but something that
23 this is a coverable deal, that Mr. Sanders

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1 and them are eligible to go stay somewhere
2 else if the house is not liveable,
3 dah-dah-dah, dah-dah-dah. And he said, I
4 asked them did they tell you that before and
5 they said no.
6 Q. At some point, were you made aware or were
7 you told that another inspection -- Standard
8 Fire wanted to do another inspection of your
9 home --
10 A. All right.
11 Q. -- after you received this check?
12 A. Never -- I received a letter that we refused
13 and -- well, let me back up.
14 Q. Okay.
15 A. I got a call. We filed suit on November
16 the 3rd. There was a letter evidently
17 written November 2nd, mailed from Atlanta,
18 Georgia, on November the 3rd and obviously
19 didn't get to my house until November the 4th
20 or later. And I refused that letter
21 because -- on the advice of my attorney. I
22 had told -- a woman called me and said, we
23 want to send somebody in your house. And I

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23 (Pages 89 to 92)

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<p>1 said, we filed suit and you need to contact 2 my attorney; I've been told all contact just 3 go through him. 4 Q. Okay. 5 A. And that was it. 6 Q. Did anyone ever show up at your house trying 7 to inspect it? 8 A. Not that I know of. 9 Q. Tell me, Mr. Sanders, what you understand 10 Mr. Davis did in terms of the assault with 11 your wife. 12 A. I understand he grabbed my wife and hurt my 13 wife and told her she would accept what he -- 14 what he give her. And that's what I 15 understand him to do. I understand he 16 committed assault and battery here in 17 Montgomery County. That's what I 18 understand. And when he comes down here, 19 we'll address that. 20 Q. When did you learn about that? 21 A. It ain't been that long ago. It was right 22 before we was originally going to do the 23 first mediation. And, of course, I didn't</p>	<p>1 the photographs that you took. 2 If you will take a look at this first 3 set and just thumb through it and see if 4 those are the ones you took and tell me. You 5 can probably tell pretty quickly. 6 A. Yeah. I mean -- 7 Q. I think there are some pictures of your son 8 back there that may tell you real quick. 9 A. Uh-huh. This -- 10 Q. Those are the ones you took? 11 A. Right. 12 Q. All right. 13 A. Did I not take these? Is that what you said? 14 Q. I think so. I'm talking about the whole 15 set. I'm just trying to get you to -- 16 A. Yeah. Yeah. Yeah. 17 Q. The copies may be -- 18 MR. ELY: Do you have the originals? 19 MR. SANSPREE: It's on CD, but I 20 should. 21 MR. ELY: We may need to do what we 22 need to do -- do whatever we can 23 to identify these.</p>
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<p>1 know anything about it. And Chris called me 2 and said that Kim kept calling down here 3 wanting to know who was in mediation, who was 4 going to be at mediation. And he said, Did I 5 know anything about it; and I said, no, I 6 didn't know -- I called. And I -- so when I 7 got home, I questioned Kim about it. And she 8 told me what that bastard did about him 9 putting his hands on her and hurting her. 10 Q. Okay. 11 MR. ELY: Let's go off the record just 12 a minute. 13 (Lunch recess) 14 Q. Mr. Sanders, did you take a number of 15 pictures of your home at some point? 16 A. Yes, sir. 17 Q. And I will represent to you what I'm going to 18 mark as a composite Defendant's Exhibit #2 -- 19 and we can do it when we're done. I've got 20 the individual photographs. We're marking 21 and numbering them in the bottom corner, the 22 photographs that your lawyer produced to us 23 in this litigation. And I believe these are</p>	<p>1 MR. SANSPREE: Did I send y'all the 2 CD? 3 MR. ISENBERG: I think we got the CD. 4 MR. SANSPREE: Okay. 5 Q. Let's go through them. And what I'm going to 6 ask you to do is to look at the pictures, 7 look down here in the corner and say number 8 one and tell me what it depicts, if you can 9 tell. 10 A. Okay. This is -- appears to be the foyer at 11 the front door. 12 Q. Okay. 13 A. Floor. 14 MR. SANSPREE: And for the record, this 15 is one. 16 A. Number one. 17 Q. One. The foyer has hardwood floor? 18 A. Right. 19 Q. And this is -- is this the wall or the door? 20 I can't tell. That's the door? There's a 21 thing -- 22 A. Uh-huh. 23 Q. -- here at the bottom. And that's the front</p>

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24 (Pages 93 to 96)

<p>Page 93</p> <p>1 door?</p> <p>2 A. Yes.</p> <p>3 Q. Now, is the foyer warped?</p> <p>4 A. Yes, it is.</p> <p>5 Q. Is there anything on that picture that</p> <p>6 would -- and I know sometimes things are hard</p> <p>7 to show up on pictures. Anything on that</p> <p>8 picture that would tell me or show me where</p> <p>9 the warping is or any damage?</p> <p>10 A. Well, yeah. You can see here, because the</p> <p>11 floor warps in the middle and comes back up,</p> <p>12 and you can see how it's tight against this</p> <p>13 side and then in the middle, it's all -- it's</p> <p>14 bowed in.</p> <p>15 Q. Yes, sir. And along the lines of what you</p> <p>16 said, I see a little dark shading here</p> <p>17 underneath door and it stops over here. Is</p> <p>18 that what you're talking about?</p> <p>19 A. Yes, sir. But the floor, like you say --</p> <p>20 and, obviously, I'm not a photographer; but</p> <p>21 if you come -- your adjustor saw it. But the</p> <p>22 floor dips in, I mean, where it's bowed up.</p> <p>23 And over here it's -- it's sit -- it's</p>	<p>Page 95</p> <p>1 the water came through the roof in the living</p> <p>2 room. This is the living room. And just the</p> <p>3 water came down and just --</p> <p>4 Q. Do you mind if I come around here and look</p> <p>5 over your shoulder?</p> <p>6 A. No, I sure don't.</p> <p>7 Q. So I can maybe describe it.</p> <p>8 A. Like, see, this is the cabinet, book cabinet</p> <p>9 in the -- in the living room. And the water</p> <p>10 came down. One of the first places we</p> <p>11 actually had water -- when it knocked the</p> <p>12 surround sound out, water just poured down</p> <p>13 this -- the air handler room is right behind</p> <p>14 here.</p> <p>15 Q. When you say right behind here, on the right</p> <p>16 side?</p> <p>17 A. On the right side.</p> <p>18 Q. The wall on the right side.</p> <p>19 A. Right. And that's what it did.</p> <p>20 Q. Is there anything in there that shows the</p> <p>21 water marks, or was there any damage that</p> <p>22 this is particularly showing?</p> <p>23 A. Well, yes, because it's --</p>
<p>Page 94</p> <p>1 standing up.</p> <p>2 Q. And you're saying over here, it's on the --</p> <p>3 A. On the left-hand side of the picture.</p> <p>4 Q. -- left side of the picture?</p> <p>5 A. Right.</p> <p>6 Q. Let's take a look at number two. Is that the</p> <p>7 same thing?</p> <p>8 A. Right. And this is where the water sit on</p> <p>9 the floor and just took the finish off. The</p> <p>10 water was deep enough where it just sit on</p> <p>11 the floor, and that's just where it -- it</p> <p>12 just buckled it off, came off. That's number</p> <p>13 two.</p> <p>14 Q. Is that something -- is the foyer area</p> <p>15 something that y'all had a mat or like a rug</p> <p>16 for people to walk on?</p> <p>17 A. There is a rug there, but we don't use that</p> <p>18 door to come in and out of our house. We use</p> <p>19 the side door.</p> <p>20 Q. All right. Number three?</p> <p>21 A. This right here is a -- number is in the</p> <p>22 living room cabinet. Our surround sound sits</p> <p>23 below this and above it. And this is where</p>	<p>Page 96</p> <p>1 Q. Separation?</p> <p>2 A. Yes. The separation all the way down it --</p> <p>3 Q. And in the middle?</p> <p>4 A. -- and all on this side, right.</p> <p>5 Q. What you're showing me is the line that runs</p> <p>6 down the middle of the photograph?</p> <p>7 A. Yes, sir. All right. Number four is -- hold</p> <p>8 on. Give me just a second. Let me -- let me</p> <p>9 think of what this is. Oh, I know. This is</p> <p>10 the fireplace --</p> <p>11 MS. SANDERS: Cabinet.</p> <p>12 A. Oh, this is the top of the cabinet, but this</p> <p>13 is the -- is that not the fireplace right</p> <p>14 over here, above the fireplace? Ain't that</p> <p>15 the --</p> <p>16 MS. SANDERS: It's the cabinet door</p> <p>17 that's open.</p> <p>18 A. Oh, yeah, yeah. I'm sorry. This is right</p> <p>19 below number three. This is what sets below</p> <p>20 number three. And as you can see, this is</p> <p>21 the separation that you saw in the previous</p> <p>22 picture. And some other pictures will show</p> <p>23 these doors do not flush together anymore.</p>

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<p>1 They're all separated all the way down and</p> <p>2 all the way up.</p> <p>3 Q. And that's where the water flowed down from</p> <p>4 the --</p> <p>5 A. Yes, sir.</p> <p>6 Q. When the water was flowing down, was it a --</p> <p>7 could you -- was it a visible stream?</p> <p>8 A. Yes. When it -- when I got home that night,</p> <p>9 yes, sir, it was a visible stream. Number</p> <p>10 five, this is also the -- the -- this is the</p> <p>11 little cabinet and this shows the upper</p> <p>12 shelves, individual shelves, above the</p> <p>13 cabinet. As you can see, there is a -- and</p> <p>14 you can't make it out very well on this</p> <p>15 picture, but down through the middle of the</p> <p>16 picture is where the sheetrock comes</p> <p>17 together. And it just separated right in the</p> <p>18 middle of this book -- bookshelf.</p> <p>19 Q. Okay.</p> <p>20 A. All right. Number six is the -- is the</p> <p>21 bookshelf also. And you can see where the</p> <p>22 cabinet door will not shut now that it's</p> <p>23 warped, that it all fell down. It won't shut</p>	<p>1 another water spot here. And you can't see</p> <p>2 it very well on this picture but --</p> <p>3 Q. That's in the hallway?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay.</p> <p>6 A. Number 10 obviously didn't come out very</p> <p>7 well. I really don't know what that is.</p> <p>8 Q. Okay.</p> <p>9 A. All right. Number eleven is the blinds in</p> <p>10 the living room. And, of course, like I say,</p> <p>11 if you look at the disk -- obviously, this is</p> <p>12 not a very, you know, good picture. If you</p> <p>13 look at it on disk or get a better quality of</p> <p>14 paper, it will obviously be a better picture;</p> <p>15 but you can see on these, the blinds in the</p> <p>16 living room hasn't been -- this may be one in</p> <p>17 the bedroom. This appears to be one in the</p> <p>18 living room. It looks like a big window</p> <p>19 where these are all buckled. And maybe you</p> <p>20 can see it better on another picture, but</p> <p>21 that's what it's -- that's what it was taken</p> <p>22 for.</p> <p>23 Q. Are the slats warped?</p>
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<p>1 anymore.</p> <p>2 Q. This is a built-in cabinet?</p> <p>3 A. Yes. Yes. Number seven is -- right here,</p> <p>4 this is where you got them shut. You can see</p> <p>5 one is -- now, hold on. Let me see if that's</p> <p>6 what I'm looking at. Yeah. I think this</p> <p>7 shows the cabinet doors where, like I say,</p> <p>8 one is higher than the other now. They're</p> <p>9 not flush anymore.</p> <p>10 Q. Okay.</p> <p>11 A. Number eight is the ceiling. And you can see</p> <p>12 water. Of course, it has since dried. This</p> <p>13 has been several weeks after the hurricane,</p> <p>14 but you can still see the water spots right</p> <p>15 here. I believe this one is in the hallway.</p> <p>16 Q. Do you know when you took these?</p> <p>17 A. It was right after I got that -- that</p> <p>18 disgusting check I got.</p> <p>19 Q. Towards the end of October, first of</p> <p>20 November?</p> <p>21 A. Yes. Yes, sir.</p> <p>22 Q. Okay.</p> <p>23 A. Number nine here is also the ceiling with</p>	<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Ten, this is --</p> <p>4 Q. I think that's 12.</p> <p>5 A. I'm sorry.</p> <p>6 Q. That's okay.</p> <p>7 A. Number 12 -- I was born in the '50s. Number</p> <p>8 12 -- where did my eyes go, man? This is the</p> <p>9 living room. It appears to be the living</p> <p>10 room. Does it appear to be the living room</p> <p>11 to you? And you can see here, this is --</p> <p>12 there's three big windows right here all</p> <p>13 together, and this is where water was just</p> <p>14 driven in because the hurricane came facing</p> <p>15 the east side of the house. And all this is</p> <p>16 buckled, and this is just pure rotten. And,</p> <p>17 of course, obviously, it's worse today than</p> <p>18 it was there. It's just -- it's rotten.</p> <p>19 This is my son's --</p> <p>20 Q. Thirteen?</p> <p>21 A. Thirteen is my son's bed, bunk bed. And it</p> <p>22 sits right here next to a window. There's a</p> <p>23 window to the right. And water come through,</p>

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<p>Page 101</p> <p>1 and it warped this whole bed. It doesn't sit 2 down flush anymore. It sits up and just -- 3 it -- it just -- it got so wet that it 4 actually just warped the wood 5 Q. What about the mattresses on the bunk beds? 6 Did they get wet? 7 A. They got wet. Everything on here got wet, 8 yes, sir. 9 Q. And you still have the same mattresses in 10 there now? 11 A. Yes, sir. 12 Q. The water in your son's bedroom, did that 13 come from the ceiling or from the windows? 14 A. Both. It even came through his closet, you 15 know, through the ceiling, through the 16 windows and all through the attic obviously. 17 His room was really bad, as was my 18 daughter's. 19 Q. And are they on the front side of the house? 20 A. Yes. Both on the east side of the house. 21 Okay. Number 14 here, this appears to 22 be -- it's obviously -- number 14 shows the 23 crown moulding in the living room. Like I</p>	<p>Page 103</p> <p>1 showing another angle of that. 2 All right. Number 18, it -- it's some 3 crown moulding somewhere, and I obviously 4 just can't make that out. I mean, I don't 5 know where that one is. 6 All right. Number 19 is -- this is 7 crown moulding up in the living room, and 8 this is where it has separated here. And -- 9 and like I say, it came through the crown 10 moulding from the attic, and this is on the 11 east side of the house also. It just 12 separated. 13 Okay. These next pictures are going to 14 be of my son and -- and I want you to know my 15 son is -- and I know you probably don't care 16 to hear all of this, but I mean I'm here to 17 tell you. This is my shot at telling you 18 other than when I tell it in front of the 19 jury. 20 Q. Yes, sir. 21 A. And this is -- my son has suffered from this. 22 He has -- he has -- he has got marks on him, 23 as Dr. Highley will testify, that he will</p>
<p>Page 102</p> <p>1 say, this is -- oh, I know what this is. I 2 believe this is at the top of the roof of the 3 ceiling. And of course you can see it right 4 here. That was number -- what was it? 14? 5 All right. Number 15 is -- I can't -- 6 there again, crown moulding. And I guess 7 it's in the living room. And it's right 8 through here. This is the living room 9 towards the west side of the house where the 10 water came through the top of the roof 11 through the crown moulding. 12 Q. Okay. 13 A. And, of course, obviously, this is several 14 weeks later. This picture appears to be the 15 living room again. It appears to be another 16 picture of the living room, number four -- 17 number 16? 18 Q. Uh-huh. 16. 19 A. And you can see the rotten wood. And this 20 is -- like I say, this is where the water 21 came in and just settled, and it just rotted 22 the wood and buckled it. The same thing here 23 with number -- number 17, same thing, just</p>	<p>Page 104</p> <p>1 always have. He may always have asthma. And 2 like I say, some son-of-a-bitch come in my 3 house and assaulted my wife and put my kids 4 through this. And I'm telling you, I'm upset 5 about it. And this is what my family has 6 went through from some guy who come down here 7 from Ohio to teach me a lesson. Okay? This 8 is what we -- we've had to endure is the 9 marks my son is going to have for the rest of 10 his life. And now my daughter has had to 11 have surgery, too. Dr. Highley told me that 12 he may have these scars for the rest of his 13 life. And -- and I'm sorry for -- 14 Q. That's all right. That's what we're here to 15 find out about. 16 All right. Let's do these as a group. 17 You want to do -- let's go 20 -- what's your 18 son's name? 19 A. Jacob. 20 Q. Is he eight? 21 A. Yes, sir. 22 Q. And I understand he was -- he's had allergy 23 problems for some time even before this,</p>

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<p>1 right?</p> <p>2 A. He's had -- yes, he's had allergies. Never</p> <p>3 with breathing, nothing to do with breathing.</p> <p>4 Q. Is he now having breathing problems?</p> <p>5 A. Absolutely.</p> <p>6 Q. Is he being treated for his asthma?</p> <p>7 A. Absolutely.</p> <p>8 Q. In terms of his allergies, was he tested to</p> <p>9 find out what he's specifically allergic to</p> <p>10 before this?</p> <p>11 A. Well, the doctor said that there's so many --</p> <p>12 twenty-something thousand things, that --</p> <p>13 that they can only test for certain things.</p> <p>14 He said -- Dr. Meadows, he's the pediatric</p> <p>15 allergy specialist here in Alabama. He said,</p> <p>16 there's no need to do that, he said, because</p> <p>17 most of them you can't even test for. And as</p> <p>18 Dr. Highley said, in their practice and their</p> <p>19 opinion and their feelings, that this is a</p> <p>20 direct cause of mold.</p> <p>21 Q. Was --</p> <p>22 A. He's never had -- never done this ever.</p> <p>23 Q. The allergies that he had before this, what</p>	<p>1 are you going to let me die from this?</p> <p>2 Because of this bullshit we're going</p> <p>3 through? I mean, it's wrong. And I'm</p> <p>4 sorry. But he's never had -- ever had any</p> <p>5 rash like this. He never could not breathe.</p> <p>6 He's coughed all night. Dr. Meadows and them</p> <p>7 said it's turned into asthma. He now has</p> <p>8 asthma. He was never diagnosed with asthma</p> <p>9 until now. And -- and this is why.</p> <p>10 I mean, I want you to look at -- and</p> <p>11 these pictures do it no justice, because we</p> <p>12 can get better pictures than this. I --</p> <p>13 Q. I've seen them -- I've seen them on the CD.</p> <p>14 A. This -- this is absolutely -- this boy's skin</p> <p>15 was on fire. He couldn't even touch his --</p> <p>16 he cried for days. I mean, we could do</p> <p>17 nothing. I took him to the doctor every day.</p> <p>18 Q. Let me ask you this. Was this right after</p> <p>19 the storm?</p> <p>20 A. Within a couple of weeks.</p> <p>21 Q. This is during this time period we've been</p> <p>22 talking about?</p> <p>23 A. Absolutely.</p>
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<p>1 were the symptoms? Was it -- I mean, because</p> <p>2 it can manifest itself in a bunch of ways.</p> <p>3 Coughing, sneezing, sinus infections, rashes,</p> <p>4 anything like that?</p> <p>5 A. He may have had -- like I say, he's had some</p> <p>6 small rashes, nothing ever on this level. He</p> <p>7 had -- let me tell you how my son has</p> <p>8 suffered from this. He's had bleeding. My</p> <p>9 son has woke up in the mornings with this and</p> <p>10 still wakes up in the morning and look at me</p> <p>11 and ask me, Daddy, am I going to die from</p> <p>12 this? Because there's blood on his pillow.</p> <p>13 Me and his mother have to sit up with him on</p> <p>14 shifts at night because my son can't</p> <p>15 breathe. He can't breathe. And just like</p> <p>16 the doctors said, you're still in that</p> <p>17 atmosphere. It's no telling what it's going</p> <p>18 to do to your son. You're still living in</p> <p>19 there.</p> <p>20 And -- I mean, do you know how that is?</p> <p>21 And like I say, I don't want to get off the</p> <p>22 subject, but to have your son look up to you</p> <p>23 and -- like I'm going to let him die? Daddy,</p>	<p>1 Q. Let me ask you this in terms of -- and your</p> <p>2 wife may be a little bit better able to</p> <p>3 answer this. Is he on medication now?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what he's on? I'll ask your wife</p> <p>6 about it. How is he doing today?</p> <p>7 A. He has his good days and his bad, some days</p> <p>8 better than others. And, you know, it</p> <p>9 just -- when it rains -- to this day, when it</p> <p>10 rains and gets damp, he can't breathe.</p> <p>11 Q. His main problem right now, is it the asthma</p> <p>12 or is it the skin rash?</p> <p>13 A. It's both.</p> <p>14 Q. It's both?</p> <p>15 A. And just like Dr. Highley told me, and</p> <p>16 Dr. Meadows, We can't tell you it's going to</p> <p>17 get any better. We can tell you that in our</p> <p>18 opinion, this is a direct cause of mold.</p> <p>19 Q. Okay.</p> <p>20 A. And, I mean, I -- you know, like I say, I</p> <p>21 mean, I -- I'm just a regular old guy. I'm</p> <p>22 just a working guy just like everybody else</p> <p>23 is, but I don't know what to tell my son.</p>

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<p>Page 109</p> <p>1 You know, I don't have any money. I don't 2 have any money to leave. I don't have any 3 family to go stay with. I don't have any 4 family here in Montgomery. We got no choice 5 but to live in this house and do the best we 6 can. And it ain't good enough. And do you 7 see how -- how I'm -- this is why I'm so -- 8 I'm so adamant about this. I mean my kids 9 are suffering. My daughter has just had 10 surgery again because of -- two doctors' 11 opinions -- because of this, direct cause of 12 this. And this is what I go through because 13 some bastard comes down here and tells me 14 I am entitled to nothing and puts his hand on 15 my wife. 16 Should we have to go through that? 17 Absolutely not. I mean it's an injustice. 18 They sold me a policy that said, you know, 19 that I would -- everything -- if I filed a 20 claim and had a justified claim, that it 21 would all be replaced, wouldn't be no 22 depreciation in the payments of this stuff. 23 That's not true. They lied to me. I filed a</p>	<p>Page 111</p> <p>1 A. From his nose 2 Q. I mean, he's having nosebleeds, too? 3 A. Yes, sir. 4 Q. Your daughter -- you told me your daughter 5 just had surgery. I knew -- and Chris had 6 told us she just had surgery. What, she had 7 her adenoids removed? 8 A. And her tonsils. 9 Q. And her tonsils removed? How is she doing 10 now? 11 A. She's better. He told us it would be a few 12 weeks. You know, it's only been a couple of 13 weeks or so. And she's getting better. 14 Q. What kind of symptoms did she have? 15 A. She had Strep throat about four or five times 16 within a three- or four-month period. 17 Q. Has she had anything -- any symptoms before 18 this? I'm assuming this was the three- or 19 four-month period leading up to the surgery 20 when she was having recurrence of Strep 21 throat. 22 A. Yes. 23 Q. And before then, she hadn't had anything?</p>
<p>Page 110</p> <p>1 claim. They didn't pay nothing. What they 2 did pay was depreciated amount. They fixed 3 several things, didn't fix -- fixed several 4 little things. I mean, they lied to me 5 They lied to me. I wouldn't have bought this 6 policy if I knew I was going to go through 7 this shit, I mean. 8 And if they would have paid my money 9 like they owed me, like they promised me they 10 would pay, my son wouldn't be like this 11 today. He wouldn't be suffering. My 12 daughter wouldn't be suffering. We wouldn't 13 be suffering as a family. We're having to go 14 through this. I mean, this is traumatic. 15 I mean, I know you do this every day. 16 And it may be dramatic to you. Well, it's 17 the real world to me. This is what -- you 18 know, I wake up and my son is crying. He's 19 eight years old. And asks me, Daddy, am I 20 going to die? And blood all over his pillow 21 because of this crap. 22 Q. When you say the blood is all over his 23 pillow, where is he bleeding from?</p>	<p>Page 112</p> <p>1 A. No, sir. 2 Q. Did she have any asthma or rash problems? 3 A. No, sir. Not as of right now, no. 4 Q. Have you had any? 5 A. No, sir. 6 Q. Has your wife had any? 7 A. I mean, she can answer that, but -- 8 Q. That you know of. 9 A. No. 10 Q. And so these photographs, photographs 21 11 through 39, let me go through them real 12 quick. 13 A. And -- and -- and I want to go through these 14 pictures myself. I don't want to be ugly, 15 but I want to point this out. 16 Q. Okay. I'm looking, so I can -- we're going 17 to let you go through them in as much detail 18 as you want. I just want to make sure I've 19 got a group together that I can tell the 20 court reporter such-and-such number through 21 such-and-such number. Okay. I've got 21 22 through 39 of Mr. Sanders' son of the -- you 23 tell me what they're of.</p>

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<p>1 A. Okay. 18 is --</p> <p>2 Q. This is 21.</p> <p>3 A. I'm sorry.</p> <p>4 MR. SANSPREE: And, obviously, the CD</p> <p>5 pictures are better.</p> <p>6 THE WITNESS: Absolutely.</p> <p>7 Q. That's fine. You can tell me what they</p> <p>8 are -- the reason you made them and what they</p> <p>9 are intended to show.</p> <p>10 A. Because -- and I mean this. And this has</p> <p>11 nothing to do with y'all. I mean, I know</p> <p>12 you're doing your job, and that's fine. And</p> <p>13 I hired him to do a job for me. And when we</p> <p>14 go to trial, I want -- this ain't the picture</p> <p>15 I want.</p> <p>16 Q. No. That's --</p> <p>17 A. I mean, I want --</p> <p>18 Q. These are copies for my file.</p> <p>19 A. I want the jury to see the real -- of course,</p> <p>20 he'll be there.</p> <p>21 Q. We --</p> <p>22 A. But anyway, that's -- that's 21. All right.</p> <p>23 And 22 is obviously his right leg and just</p>	<p>1 This is his stomach. You can't see it</p> <p>2 very well in this picture, but the rash</p> <p>3 started on his chest and went all the way</p> <p>4 down his whole body. There again, 26 is --</p> <p>5 depicts the same thing, same picture.</p> <p>6 27 shows his right thigh, all over his</p> <p>7 buttocks area, lower back. He's just -- he's</p> <p>8 just eat up from head to toe. And 28 shows</p> <p>9 his knee and shows his -- his lower leg of</p> <p>10 his right -- right leg.</p> <p>11 29, you see his lower leg, the festering</p> <p>12 sores. And that's what he had. And to this</p> <p>13 day, he still has scars on his leg. And</p> <p>14 that's what -- Dr. Highley has tried him on</p> <p>15 so much stuff. And his thing is obviously,</p> <p>16 you know -- I won't even talk about trying to</p> <p>17 get it under control. We're living in the</p> <p>18 house. Okay? But is to -- hopefully, this</p> <p>19 won't scar him for the rest of his life, I</p> <p>20 mean, because he's got it on his neck and on</p> <p>21 his ears. And the concern is now that he may</p> <p>22 in fact have these scars for the rest of his</p> <p>23 life.</p>
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<p>1 awful sores on his leg.</p> <p>2 Q. I'm sorry.</p> <p>3 (Brief pause)</p> <p>4 A. Okay. 22, as I said, just shows his right</p> <p>5 leg at a different angle. 23 -- and, sir, I</p> <p>6 want you to look at that. I mean, I'm</p> <p>7 serious. That right there is the most awful</p> <p>8 thing. You should have seen -- I mean he</p> <p>9 couldn't -- you couldn't touch his skin. You</p> <p>10 couldn't put anything on his skin. He was</p> <p>11 just in agony. I mean -- I mean, the picture</p> <p>12 speaks for itself, and that does it no</p> <p>13 justice. I mean, and that's -- and, you</p> <p>14 know, we kept thinking, what the hell is</p> <p>15 wrong, what's wrong with him? Well, we know</p> <p>16 now what was wrong with him, what is still</p> <p>17 wrong with him.</p> <p>18 And 24 just shows a picture of his</p> <p>19 eyes. And that's when Dr. Highley first</p> <p>20 pointed that out to us. He said, you see his</p> <p>21 eyes? That's letting you know he's having a</p> <p>22 reaction to something. And, of course, come</p> <p>23 to find out it was mold, his reaction.</p>	<p>1 30, there again just shows his -- shows</p> <p>2 his legs. 31, same picture of his legs</p> <p>3 again. 32, closeup of -- of the sores.</p> <p>4 And -- and that's how they'll do. They start</p> <p>5 as a little sore, and then they'll just like</p> <p>6 spread, and then they'll fester and ooze</p> <p>7 stuff. And, of course, he's taking shots and</p> <p>8 everything else for it, you know. And 33,</p> <p>9 same thing, the back of his -- back of his</p> <p>10 leg. 34, same thing.</p> <p>11 And 35 shows his back kind of at a</p> <p>12 different angle. He's got these spots here</p> <p>13 where -- now where -- I mean they're just</p> <p>14 covering his back. It's just he's -- he's</p> <p>15 even -- he's even embarrassed to take his</p> <p>16 damn shirt off outside because of this</p> <p>17 bullshit. You know, when we go swim or stuff</p> <p>18 and he asks me, Daddy, can I leave my shirt</p> <p>19 on? Because he's got these damn sores and</p> <p>20 the other kids, you know, make fun of him;</p> <p>21 but -- 36 shows his left forearm, not a very</p> <p>22 good picture, but the sores usually start in</p> <p>23 the crease of his arm. And you can see --</p>

<p>Page 117</p> <p>1 you can see a little bit in this picture is a 2 whole big red patch. 3 Basically, he's covered from head to 4 toe, y'all. This is the back of his neck. 5 You see it's on his ears also. And it 6 doesn't show a very good picture of it, 7 but -- and there is a closer up of his neck, 8 the sores on his neck. And I think that's 9 all of them as far as him. 10 Q. All right. You want to keep on moving? 11 A. Yes, sir. Yes, sir. 12 Q. I'll see if I can't put them in a set, and 13 maybe this thing will go a little quicker. 14 All right. I think 40 through 54. 15 A. Okay. This is the -- obviously, a picture of 16 the roof. We're facing -- let's see. We're 17 facing -- it's facing south. And this area 18 here -- and this is not a very good picture. 19 There are better pictures once again. This 20 whole section here of the house -- this is 21 right above my daughter's bedroom. 22 Q. Okay. 23 A. And this whole section of the house here is</p>	<p>Page 119</p> <p>1 is -- this was after, obviously, that the guy 2 came and -- well, both guys, both adjustors 3 had been there at this point. 4 Q. Right. 5 A. I mean, and this is just some missing -- two 6 little missing pieces right here on the roof 7 that -- 8 Q. The two small triangle pieces on -- 9 A. Yes, sir. 10 Q. Along that line there in the middle? 11 A. Yes, sir, that were missing. This is up on 12 the top of the house, as you can see the 13 ridge here, and it's all cracked. All these 14 are loose. Like I say, I -- I won't go into 15 it. I read -- I've read the guy's report, 16 you know, where he says there's nothing -- 17 you know, nothing wrong with the roof. 18 Q. Let me ask you a question about that. 19 A. Yes, sir. 20 Q. Have you been out there and seen these 21 shingles in a wind? Do they flap or -- 22 A. Yes. 23 Q. They're still flapping?</p>
<p>Page 118</p> <p>1 where shingles were missing. This is the job 2 that the fellow did who came and tacked the 3 thing. Of course, they're all on the middle 4 of the house, also. This is not the only 5 area. 6 Q. And you're talking about this lower 7 section -- 8 A. This lower section. 9 Q. -- of the photograph? These are the 10 temporary repairs that were made? 11 A. Yes, sir. 12 Q. Okay. 13 A. And, of course, we got pictures of that, 14 but -- 15 Q. Yeah. I think there is a bunch more in there 16 on that. 17 A. Yes. And -- and then -- and this is the same 18 thing just to note that I read in the 19 enforcer -- you know, this guy that come down 20 here to teach us a lesson -- who said there 21 was never any shingles missing from this 22 house. I'm still getting over, you know, 23 that rocket scientist statement there. This</p>	<p>Page 120</p> <p>1 A. Well, I think we've probably done as well as 2 we could do. Of course, we -- it has to be a 3 pretty good rain. You know, just a little 4 old shower doesn't make them flap, obviously; 5 but when it comes through -- just like with 6 the last little hurricane we had -- and I 7 know it didn't hit us like we thought; but, 8 yeah, I had to go out there and do some more 9 because I mean that roof is just -- is ready 10 to fall apart. And yes, if it comes a -- if 11 it comes a pretty good little storm, I'm back 12 up on the roof. I'm back up there with the 13 caulk and with the bucket. 14 Because it doesn't just leak. My roof 15 just doesn't leak where I was originally 16 missing shingles. My house, it leaks all 17 over. It's a different spot every time. 18 It's not that he didn't do a good job. It's 19 just like he told me and I told you earlier, 20 this whole roof is tore all to pieces. 21 Q. And the leaks in the last -- let's say since 22 he did the repairs last September, it's been 23 what, 10 months?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. About how many times would you say you've had</p> <p>3 to go up there and make temporary repairs</p> <p>4 because you've seen leaks in your attic from</p> <p>5 storms?</p> <p>6 A. Numerous is all I can tell you. Just about</p> <p>7 every time it has rained.</p> <p>8 Q. Would you say it would be more than 20?</p> <p>9 A. At least 20.</p> <p>10 Q. And these leaks -- the way you see these</p> <p>11 leaks, are these leaks actually coming into</p> <p>12 the house; or are you going up in the attic</p> <p>13 and seeing now because you're aware --</p> <p>14 A. I'm going up in the attic and try to catch</p> <p>15 them before they hit, because --</p> <p>16 Q. Every time it comes a hard rain, you go to</p> <p>17 the attic to try and find them --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- because you know there are going to be</p> <p>20 some there?</p> <p>21 A. Yes, sir. When I pull up at my house, like</p> <p>22 if I'm not there or whatever, the first thing</p> <p>23 I do is go outside and see how many shingles</p>	<p>1 Q. Yes, sir.</p> <p>2 A. -- you know, before it gets down that far,</p> <p>3 you know.</p> <p>4 Q. Have you -- and along those lines -- and I</p> <p>5 understand exactly what you're telling me --</p> <p>6 have you been able to stop the water from</p> <p>7 getting into the insulation and back into the</p> <p>8 ceilings in the last eight months by doing</p> <p>9 that?</p> <p>10 A. It has done it on a couple of occasions,</p> <p>11 still has reached that, because like I</p> <p>12 wouldn't be home or whatever. But if I'm</p> <p>13 there to get it with buckets and the caulk</p> <p>14 and then getting up there with that, I've</p> <p>15 pretty much been able to keep ahead of it.</p> <p>16 Q. So by and large, by you making those efforts</p> <p>17 and doing all this, you've been able to keep</p> <p>18 the interior from getting any water in</p> <p>19 addition to what it got over the last -- you</p> <p>20 see what I'm asking -- in the last eight</p> <p>21 months?</p> <p>22 A. On occasion. There has been times that</p> <p>23 I haven't been able to stop it; but if I'm</p>
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<p>1 are gone now. Because I have some shingles.</p> <p>2 You know, he left me the shingles because I'm</p> <p>3 always up there retacking different places,</p> <p>4 you know.</p> <p>5 Q. So during the 10-month period since the loss,</p> <p>6 you've had shingles come off at various times</p> <p>7 in various storms?</p> <p>8 A. Absolutely.</p> <p>9 Q. And you'll have to go back up there to find</p> <p>10 that piece of shingle if it's something you</p> <p>11 can identify and put it back?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Or you'll have to use an additional</p> <p>14 shingle --</p> <p>15 A. I take a --</p> <p>16 Q. -- and cut it or do whatever you have to do</p> <p>17 to get it back?</p> <p>18 A. That's correct. And I go up in the attic</p> <p>19 after I do that and try to caulk, you know,</p> <p>20 to hit it from both sides, you know, because</p> <p>21 I mean, obviously, my house ain't going to be</p> <p>22 fixed. And I am aware of that. And so I try</p> <p>23 to stop it before it hits the --</p>	<p>1 there, I usually have been able to stop it.</p> <p>2 Q. Okay.</p> <p>3 A. And like I say, we've had them come off</p> <p>4 several times and it will be such an area I</p> <p>5 had to go buy more shingles. So I would have</p> <p>6 to tarp, especially on the front of the</p> <p>7 house. We haven't got a picture of the front</p> <p>8 of the house yet. But up here I've had to</p> <p>9 tarp it several more times, too, until I</p> <p>10 could -- because I would be missing such a --</p> <p>11 you know, several rows of shingles because</p> <p>12 they still flap. But anyway.</p> <p>13 Q. Okay. How did you fair in the last storm</p> <p>14 last week?</p> <p>15 A. I lost some shingles. Like I say, it</p> <p>16 certainly wasn't as bad as I thought; because</p> <p>17 I thought I was just fixing to get hammered.</p> <p>18 And I was truly expecting to get hammered. I</p> <p>19 sent them away. And, of course, I had to</p> <p>20 work again, obviously, but the sheriff let me</p> <p>21 go home because he's well aware of all this</p> <p>22 that's going on. So he sent me home as my</p> <p>23 first thing to see if the water was pouring</p>

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<p>Page 125</p> <p>1 in my house; because he knows the condition</p> <p>2 of my kids. He's aware of everything that is</p> <p>3 going on.</p> <p>4 And I was not -- I was missing several</p> <p>5 shingles and I had several that were blown</p> <p>6 up, but nothing to the extent of the first</p> <p>7 hurricane.</p> <p>8 Q. But you didn't have a bunch of water in the</p> <p>9 living area?</p> <p>10 A. I did not.</p> <p>11 Q. All right.</p> <p>12 A. And this 35 -- is that what that is?</p> <p>13 Q. 43. You've got them upside down, I'm afraid.</p> <p>14 You want me to just do the numbers? How</p> <p>15 about that?</p> <p>16 A. Yeah, yeah, you do it, because I can't see</p> <p>17 them.</p> <p>18 Q. I don't want you to strain your eyes.</p> <p>19 A. I'll just --</p> <p>20 Q. I'll holler out the numbers.</p> <p>21 A. Now, if you cut a track out there, I could do</p> <p>22 that. Up close I have a problem. But</p> <p>23 anyway, whatever number you said this was,</p>	<p>Page 127</p> <p>1 Q. We understand.</p> <p>2 A. You've the only one that I've been able to</p> <p>3 talk to, so I'm kind of venting right now.</p> <p>4 And it gets me kind of upset how somebody</p> <p>5 could come to my house and look at this shit</p> <p>6 and tell me that I don't have any damage, I</p> <p>7 mean, and to let my family suffer. I'm</p> <p>8 sorry. And I'll get off of that.</p> <p>9 Q. Hang on. Let me ask you about that.</p> <p>10 A. All right.</p> <p>11 Q. You said something about a bow in the roof?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Now, I understand your testimony about the</p> <p>14 shingle problems. And to me, a bow in the</p> <p>15 roof is a different thing. Are you saying</p> <p>16 that the board -- the board, plywood,</p> <p>17 underneath the roof is actually bowed; or is</p> <p>18 this bowing that you're talking about in the</p> <p>19 middle there, is that related to the</p> <p>20 shingles?</p> <p>21 A. All I can tell you is this on that -- because</p> <p>22 I am not a roofer; but I know when the roofer</p> <p>23 came out here, he told me. Mr. Sanders, he</p>
<p>Page 126</p> <p>1 there's a couple more little pieces missing,</p> <p>2 I assume -- I'm guessing on the other side of</p> <p>3 the house.</p> <p>4 Q. And that's along an area where the roof</p> <p>5 sections join?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. 44?</p> <p>8 A. 44 is the back of the house. And like I say,</p> <p>9 these obviously are not closeup pictures, but</p> <p>10 you can see one that's broke off there. And</p> <p>11 I have -- this piece here, because the back</p> <p>12 side is obviously not as bad as the front</p> <p>13 side, and I have replaced this particular</p> <p>14 shingle several times for whatever reason. A</p> <p>15 good wind just blows it off.</p> <p>16 Q. Okay. 45?</p> <p>17 A. 45 is -- you can see that the roof is bowed.</p> <p>18 There's just a bow in it. And it's come</p> <p>19 apart. And, you see, that's what -- and I</p> <p>20 know -- and I'm certainly not blaming you. I</p> <p>21 know you're doing a job. And my anger is not</p> <p>22 toward either one of you. I promise you</p> <p>23 that.</p>	<p>Page 128</p> <p>1 said, I'm going -- I'm going to tack your</p> <p>2 roof for you, obviously, to try to stop this</p> <p>3 leaking. He said, But when you get a new</p> <p>4 roof, you're probably going to have to have</p> <p>5 some -- some of the plywood replaced because,</p> <p>6 he said, it's got under there, it's wet; it's</p> <p>7 probably going to bow.</p> <p>8 And as you can see, as the months have</p> <p>9 gone by, I have places that's bowed. And</p> <p>10 he's told me what that was, that the</p> <p>11 sheetrock -- I mean the --</p> <p>12 MR. SANSPREE: Plywood.</p> <p>13 A. -- plywood has now become rotten. And it</p> <p>14 bows when it becomes rotten.</p> <p>15 Q. But you haven't observed any plywood that you</p> <p>16 can say you've seen that's bowed?</p> <p>17 A. I can just see it from, you know, bowed up</p> <p>18 under the shingles. I have not -- obviously,</p> <p>19 I don't try to pull shingles up. I try to</p> <p>20 tack them. So I certainly have not explored</p> <p>21 that avenue.</p> <p>22 Q. All right. That's fair enough. 46?</p> <p>23 A. 46 is -- and, of course, you see there's the</p>

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<p>1 front of the house, and there's another ridge 2 line. And you can see that that is another 3 place that's bowed up. And -- and y'all, I'm 4 telling you, this -- and it's worse now than 5 this. I mean I'm not trying to blow no smoke 6 up you, but it was this bad when he came out 7 there. This is -- 8 Q. This is a -- 9 A. -- within a couple of -- 10 Q. This is an early photo. 11 A. Yeah. 12 Q. Right. Okay. 47? 13 A. 47, you can see the -- just, you know -- I 14 don't know what to say. It's just a damaged 15 roof is all I know to say. 16 Q. Those marks that you're talking about, those 17 black marks there? 18 A. Yes, sir. 19 Q. 48? 20 A. 48 just shows another angle of them two that 21 I showed already, I believe, and I showed 22 that and there it is. As you can see, I keep 23 my yard up very nice. You see I used to have</p>	<p>1 asked, you know, several people how could 2 this guy if he's an adjustor -- if he's an 3 adjustor out to, you know, try to fix what's 4 rightfully, you know, mine to fix, how can he 5 look at this and say I don't need a new 6 roof? I mean that just amazes me. I mean 7 anybody that's from the South knows it's time 8 for a new roof, fella. I mean -- 9 And this again is just showing a 10 different side of that. Just -- 11 Q. 51. 12 A. 51 is just showing -- 13 Q. Showing more of that residue? 14 A. More of the residue. 15 Q. 52? 16 A. 52 is that same side of the house. And this 17 is the area that -- 18 Q. And that was one of the first pictures we 19 looked at? 20 A. Yes, sir. Yes, sir. 21 Q. 53? 22 A. 53 is the -- that's the same thing. 23 Q. Okay.</p>
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<p>1 a nice house to go with it, but the yard 2 still looks pretty good. 3 Q. 49? 4 A. 49 is -- you can see the hits on the roof, 5 and it's just -- and I'm just showing -- 6 Q. Yes. 7 A. -- you know, that simply. 8 Q. 50? 9 A. Okay. 50. Let me -- let me tell you this. 10 And I remember the day this guy that put his 11 hands on my wife came out. Like I say, I'll 12 address him when he gets to Montgomery. You 13 see this stuff in the drain here? 14 Q. Yes. 15 A. This stuff here that is depicted is obviously 16 the stuff on top of the shingle. You know 17 that. If you have a bad storm or if you had 18 a hail damage, you know, you see this stuff 19 on your ground. It doesn't take a -- I mean 20 I'm not a roofer. I don't have to be a 21 roofer to know this. This stuff in this 22 drain -- and it's still there -- is that 23 thick. It's an inch or two thick. And I</p>	<p>1 A. Same thing as that. And fifty -- 2 Q. Four. 3 A. -- four, this is the front of the house. 4 Q. Okay. 5 A. This is my son's bedroom here. 6 Q. Okay. 7 A. And, you know -- and I'm not exactly clear. 8 And I'll have to look at it, obviously, but 9 you asked me earlier had I seen mold. And I 10 think -- and I might have misspoke or spoke 11 out of turn, but I -- I thought you meant was 12 there any -- had I seen any mold prior to 13 when I -- you know, this happened. I've 14 obviously seen mold at my house now because 15 it's still in my house. I mean I know what 16 mold looks like now. 17 And I'm not sure I answered that 18 question correctly; but if not, I'm trying to 19 clear the record. Up until this happened, I 20 had never seen any mold. Now I've seen mold, 21 and I have mold all in my house, you know. 22 But this shows the front of the house. And 23 in the front of the house, this area here</p>

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1 that I'm pointing at, the top half, all this
2 was missing shingles also. All this area
3 here has been tacked with new shingles.
4 **Q. Now, the guy who fixed them --**
5 A. Yes, sir.
6 **Q. -- he charged you \$200?**
7 A. Yes, sir.
8 **Q. Was he running around giving just a flat**
9 **rate, hey, this is what I'll do it for?**
10 A. No. No, sir. This man, his wife is a
11 retired principal here; and we've known him
12 probably 20-something years. Matter of fact,
13 his granddaughter and my kids were raised in
14 the same household. Because you couldn't get
15 a roofer to come to your house, especially to
16 do this. And I asked Mr. Bone. I told him
17 what the problem was. He said, On my way
18 home tonight, I'll stop by and do that
19 personally. And he did.
20 **Q. All right. And I did -- I wanted to clear up**
21 **the mold, the mold issue that you just talked**
22 **about. You did see mold? I understand you**
23 **didn't see any before this Hurricane --**

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1 A. Right.
2 **Q. -- Ivan came through. You have seen mold in**
3 **your house since then?**
4 A. Right.
5 **Q. Tell me where.**
6 A. I've seen it in my child's bedroom.
7 **Q. Okay. Where and which one?**
8 A. My son's.
9 **Q. Okay. Where in your son's bedroom?**
10 A. Above the window where the roof connects.
11 **Q. Okay.**
12 A. That's one place. In the air handler room.
13 Of course, like I say, I didn't know what I
14 was looking at. I didn't know what it was.
15 **Q. Right.**
16 A. And in the air handler room, it was just
17 covered black. It was just different colors
18 actually, but mainly black circles. And then
19 we have since found it -- we have found it in
20 my daughter's room and in the attic. The air
21 handler room is covered with it.
22 **Q. The air handler room, what kind of surface**
23 **were these black circles on?**

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1 A. They were on the -- that particle board.
2 **Q. The floor?**
3 A. Yes. The floor and where it connects.
4 There's two by fours, you know, obviously the
5 frame. And then, of course, there's that --
6 like some type of particle board or
7 something. It wasn't on the particle board,
8 but it connected to the two-by-fours. It was
9 actually growing on the wood, but not on
10 the --
11 **Q. All right. And then in your son's room,**
12 **you've seen it above the window?**
13 A. On the crown moulding is the first place we
14 noticed it in his room.
15 **Q. Is it still there today?**
16 A. Well, since then, there's traces of it.
17 About every two days we got some solution and
18 we scrape -- we wipe our stuff and we keep
19 it -- or -- I don't let my wife go up in the
20 attic, but she helps me in the house. But I
21 go up in the attic and this stuff we dry --
22 keep it dry, especially after a rain. So it
23 does help to control it in the bedrooms.

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1 The -- the attic is out of control. There is
2 no keeping up with it.
3 **Q. Let me stop you for a minute. You told me**
4 **about your daughter's room.**
5 A. Yes.
6 **Q. Where is it in your daughter's room or where**
7 **has it been?**
8 A. It's been at the window and in her closet.
9 **Q. Okay. Has --**
10 A. Which --
11 **Q. Has it been on the top of the window or --**
12 A. About to where the -- where the --
13 **Q. Where it connects?**
14 A. Where it connects to the roof.
15 **Q. And in the closet, where has it been? On the**
16 **ceiling? On the walls?**
17 A. On the wall and the ceiling in her room.
18 **Q. And that's something that, using the**
19 **solution, you've been able to get rid of.**
20 **Will it come back?**
21 A. Yes, sir, it comes back. All I can do --
22 like I say, the attic is just too damp still
23 and just too out of control, just obviously

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<p>1 with that heat up there. In my daughter's 2 room and my son's room, I can keep it wiped 3 down. It's always discolored. And if you 4 stop -- like if we go away for three or four 5 days, it's back. And all you can do is try 6 to keep it dry. 7 Q. The attic -- you've seen mold in the attic on 8 all the surfaces? 9 A. Everywhere. It's just covered in the attic. 10 It's just -- like I say, there's no keeping 11 up with it. It's on all the two-by-fours. 12 It's on the air handler that goes in there, 13 especially above and below where these 14 things -- it's just -- it's everywhere. 15 Q. What does it look like? 16 A. Well, it's different. Most of it is like 17 black and like fungus looking. I call it 18 fungi and it will have like a white spot in 19 it. Some of it is solid white. It's just -- 20 and what the guy told me, it's just different 21 kinds of -- of mold. You have so many 22 different kinds. 23 Q. All right. And the mold in the attic has</p>	<p>1 A. Yeah. I think this is probably the -- this 2 is the bottom. 3 Q. Okay. 4 A. And it, you know, goes up. That's what I'm 5 thinking. 6 Q. Maybe Chris can figure out how it's turned. 7 MR. ELY: This one. 8 MS. SANDERS: This is the one -- this 9 is underneath the air -- the air 10 handler room actually -- 11 THE WITNESS: Yeah. That's underneath, 12 that's right. 13 MS. SANDERS: And the vent -- where the 14 return vents come through like. 15 It's underneath. 16 MR. SANSPREE: She might be the better 17 person to -- 18 MR. ELY: Sounds like it. 19 MS. SANDERS: Sorry. 20 THE WITNESS: There you have it. 21 A. And, obviously, this is -- I mean, I assume 22 this is the air handler room. 23 MS. SANDERS: Yeah. I think this is</p>
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<p>1 been present for how long, you think? 2 A. Well, I would say, you know, a month after it 3 happened, obviously, I think it was there. 4 And it's still there, so -- 5 Q. All right. 6 A. It was noticeable. And he told me -- the 7 first adjustor told me that, Mr. Sanders, he 8 said, where you're going to have your biggest 9 mold problem -- in his opinion -- and I never 10 even heard of mold, what mold is -- he said, 11 is inside of your walls, he said, because you 12 can't see it and you can't treat it if you 13 can't see it. And that went along with the 14 industrial hygienist assured me that -- 15 because he cut holes in my walls and told 16 us. He said, yeah, you got mold growing in 17 your walls also. 18 Q. Okay. 55? 19 A. Is the air handler room. 20 Q. Is that the particle board where the floor -- 21 A. Yes. Yes, sir. 22 Q. And is it the top section? Is that -- looks 23 kind of discolored to me.</p>	<p>1 actually -- if you take a camera 2 and turn it upside down in the air 3 handler room. 4 Q. Would it help if I did them like this? 5 A. Well, yeah. I mean that's the -- yeah. 6 Q. I'll just do them like this. 7 A. That's obviously up under the air handler 8 room. 9 Q. Okay. 10 A. That's exactly right. 11 Q. When you say -- 57, when you say up under the 12 air handler room -- 13 A. Uh-huh. Okay. You know where you -- you got 14 your air handler, you got your unit? You 15 open the two doors and there's your unit, you 16 know, and you got your water heater sitting 17 right beside your unit? Well, up under there 18 is the return, you know, where your water 19 flows out from your unit. 20 Q. Right. 21 A. And you need to put your filters down here, 22 your air filters. So if you open up the two 23 bottoms, that's what's below there.</p>

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<p>Page 141</p> <p>1 Q. I see. And what were 57 and 58 to show?</p> <p>2 A. The same thing. Well, see in that picture,</p> <p>3 you can't tell. It's soaking wet. That's</p> <p>4 what it -- it shows is that it's just so wet.</p> <p>5 And that was back, like I say, a month</p> <p>6 after. And that to depict was just the water</p> <p>7 standing in there.</p> <p>8 Q. All right. And let's see. I think we're</p> <p>9 on -- I got a little number on here. 59?</p> <p>10 A. That's the air handler itself.</p> <p>11 Q. 60?</p> <p>12 A. And that's the air handler -- no, that's</p> <p>13 the -- yeah, that's the top of the air</p> <p>14 handler room right there where it comes in</p> <p>15 from the attic.</p> <p>16 Q. What were these taken to show?</p> <p>17 A. Just the -- you know, the water. I mean, you</p> <p>18 can't see it in there, but just water</p> <p>19 everywhere.</p> <p>20 Q. When you took these pictures, all this was</p> <p>21 wet --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- to the touch? You could just go up --</p>	<p>Page 143</p> <p>1 A. It looks like a three from right here. I</p> <p>2 mean look at -- well, you ain't blind.</p> <p>3 Anyway, this shows -- that's pretty bad,</p> <p>4 ain't it? This shows the attic. And you see</p> <p>5 this is the air handler right here. This is</p> <p>6 the -- one of the buckets that catches</p> <p>7 water.</p> <p>8 Q. This blue thing --</p> <p>9 A. This blue thing is --</p> <p>10 Q. -- on top of the air handler is a bucket?</p> <p>11 A. Yes, sir. Here is the air handler room,</p> <p>12 60 --</p> <p>13 Q. Two.</p> <p>14 A. 62 is the bucket on top of there. And you</p> <p>15 see all this insulation?</p> <p>16 Q. Yes, sir.</p> <p>17 A. All this is soaking wet. That's why it's</p> <p>18 lumped together. It's just all wet. You</p> <p>19 asked about the mold. There is mold now</p> <p>20 growing on all these two-by-fours, and</p> <p>21 there's mold everywhere, but. All this is as</p> <p>22 it was the day that the enforcer there came</p> <p>23 into my house and put his hands on my wife.</p>
<p>Page 142</p> <p>1 A. Uh-huh.</p> <p>2 Q. And I'm saying all of this, I'm talking about</p> <p>3 the area around the vent.</p> <p>4 A. Right. Absolutely.</p> <p>5 Q. That's a wall?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right. Since -- this is another question</p> <p>8 I'm going to ask you before I forget it.</p> <p>9 Since -- was it Mr. Bone?</p> <p>10 A. Uh-huh.</p> <p>11 Q. -- came out and fixed your roof for you, have</p> <p>12 there been any other -- and aside from the</p> <p>13 work you told us you've been doing --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- has there been any other work done on the</p> <p>16 house since then?</p> <p>17 A. No.</p> <p>18 Q. Okay. 61 through 67 look like a number of</p> <p>19 attic pictures.</p> <p>20 A. Yeah. They're all showing the attic. And</p> <p>21 this is where three -- does that say three?</p> <p>22 What's that say?</p> <p>23 Q. No. 61.</p>	<p>Page 144</p> <p>1 And he didn't even walk in there. He stuck</p> <p>2 his camera in there and took his pictures.</p> <p>3 And there's again, this is the bottom of</p> <p>4 the air handler room --</p> <p>5 Q. 63?</p> <p>6 A. -- showing the -- the water.</p> <p>7 Q. This is right over the air -- obviously right</p> <p>8 over the air handler room.</p> <p>9 A. Yes, sir. And that's what it shows is all --</p> <p>10 this -- and as you can see when you walked</p> <p>11 into this attic prior to the hurricane -- and</p> <p>12 this is blown in insulation -- you see all</p> <p>13 these two-by-fours and stuff, you could see</p> <p>14 none of this. All this -- the only thing you</p> <p>15 could see when you walked up into my attic</p> <p>16 was just insulation. It was all fluffed up,</p> <p>17 and you could see none of this.</p> <p>18 Well, actually, as the water hits it, it</p> <p>19 just mats it down; and that's why you see all</p> <p>20 these boards here. You never could see any</p> <p>21 of that before.</p> <p>22 Q. All right. 64?</p> <p>23 A. And this shows towards I believe my</p>

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<p>1 daughter's room. And you see here, this is a 2 return, you know, that -- that you could see 3 now because the water -- this is my 4 daughter's -- above my daughter's room. Like 5 I say, all this was fluffed up way up here 6 and you could -- there's so much rain come in 7 here now you can actually see the handler 8 itself, you know -- 9 Q. Right. 10 A. -- going into there. 11 Q. 65? 12 A. And this just shows again -- and, like I say, 13 you can't really see it; but it was wet. And 14 I was just taking the picture just to show 15 that. 16 Q. All right. 17 A. And this goes -- 18 Q. 66? 19 A. -- goes across from my son's room, which is 20 in the front of the house. And you can 21 see -- you can start now seeing all the 22 two-by-fours and stuff because the water 23 continues to run in and just wad up the --</p>	<p>1 A. 70 is obviously a picture of the living 2 room. And, obviously, you can't see what I 3 meant to depict out of it, but -- 4 Q. Okay. 71, 72, and 73 look like carpet 5 pictures to me. 6 A. That's correct. 7 Q. Where is that in the house, though, 71? 8 A. This right here is in the living room. This 9 is below that built-in book cabinet I told 10 you. 11 Q. Yes, sir. 12 A. And like I say, we meant to show how wet it 13 was in here. And, of course, you can't see 14 from this picture. You can see it on the -- 15 on the disk, though. All this carpet is 16 delaminated, and that's what we meant to show 17 here. And, of course, it has the 18 delamination, you know, stain onto the pad. 19 Q. What do you understand delaminated to mean? 20 A. Delamination to me means that the -- the 21 backing on the back of the carpet and the 22 carpet itself have pulled apart. 23 Q. Okay.</p>
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<p>1 mat up the insulation. 2 Q. 67? 3 A. And a picture of the same thing that -- 4 Q. Bucket? 5 A. Right. 6 Q. All right. 68, 69 and 70? 7 A. This is one of the bedrooms. This one here, 8 I think this is my daughter's bedroom. 9 Q. Hang on. 69 is what you're talking about? 10 A. 69. As you can see, this is the original 11 like when it first started, you know, when we 12 first started having a problem. All this is 13 wet and obviously dried. It goes from one 14 side of the room to the other. It's just 15 water had dripped; and, like I say, this 16 whole spot is where you seen the water 17 dripping. 18 68, I think is my son's room. And it 19 shows -- you can see the wet spot across his 20 room, across his ceiling. And it goes all 21 the way across again. And this is a picture 22 of -- 23 Q. 70.</p>	<p>1 A. Is that what you mean it -- 2 Q. Yes, sir. That's what I -- I want to know 3 what you understood it to be. 4 A. Okay. And that's what I understand it to 5 be. And I have it all over my house. But 6 you can take this -- and you see she's 7 holding it up with the corner. You can take 8 the back of my carpet and you can pull it and 9 the backing just pulls off, and that's called 10 delamination. 11 Q. Okay. 12 A. And that's what that is. This picture here 13 is the same thing. And, okay, this is -- 14 we've pulled it up, and you can see -- right 15 here you can see all the -- 16 Q. 72? 17 A. 72. You can see all the stains and how it's 18 all just falling apart. It's delaminated. 19 Q. Okay. 20 A. And this is the same thing showing the bare 21 floor. 22 Q. Yes, sir. 23 A. And you can see, obviously, it's been wet</p>

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<p>Page 149</p> <p>1 because it was water that thick down in here, 2 and you can see where it just all turned to 3 colors in it, and that's what it done. 4 Q. All right. 74 and 75? 5 A. This is the -- this is in the living room, 6 the ceiling here, the molding at the top. 7 This is where I told you it came down. In 8 all the rooms when it would leak from the 9 attic into the -- into each individual room, 10 the water -- except one place in the living 11 room, it came straight in the middle of the 12 room. But it would come behind the crown 13 moulding is where your moisture, your water, 14 would come from and come out here; and then 15 it would just -- like I say, as the water 16 obviously ran down inside here it would make 17 a bigger ridge. And that's what that's 18 showing, how that's where it came from. 19 Q. Okay. 76? 20 A. This is showing my kitchen table. This is my 21 kitchen table which sits, obviously, by the 22 window in the dining. And, of course, that's 23 what the water did to it. Standing water</p>	<p>Page 151</p> <p>1 Q. Cracks in the window? 2 A. Yes, sir. 3 Q. And 82? 4 A. Just shows -- this is the window in the -- I 5 believe the kitchen where the -- by the table 6 where the water came in there and same thing 7 with that one. That's the other one. 8 Q. Now, if you can figure out what 83 is -- 9 A. Okay. There again, I think we're going to 10 have to let that one go. I don't know what 11 that one is. 12 Q. 84? 13 A. This is the same picture you sent 14 Q. If you can figure out what 85 is, you're 15 doing a pretty good description. 16 A. Yeah. I don't know what was meant to be 17 shown there, but it obviously didn't come 18 out. Okay? 19 Q. And 86 looks to me to be more carpet. 20 A. This is more carpet over here by the window, 21 by these three windows that you saw. And, of 22 course, all this was under water, too; and 23 that's -- that's what we're showing.</p>
<p>Page 150</p> <p>1 just buckled it. And the same way with the 2 chair. This is one of the chairs. 3 Q. 77 is the chair? 4 A. Yes, sir. And that's what it did. 5 Q. All right. 6 A. This is a picture of a living room window. 7 And, obviously, I was going to show the decay 8 on the window, but you can't -- I can't make 9 it out in that picture. 10 Q. 78, 79? 11 A. This picture you have seen a couple of times 12 of the living room, and this is where the 13 bottom of it just rotted from the water. 14 Q. 80? 15 A. This is one of the windows in the -- the 16 middle window in the living room right next 17 to that one. And you can see where it has 18 just cracked it all along the seam from where 19 the water came in. 20 Q. Okay. 81? 21 A. Same thing. This the far right window, same 22 thing. It was just on every window, it 23 has --</p>	<p>Page 152</p> <p>1 Q. Okay. 87? 2 A. This is the foyer floor. 3 Q. Okay. And I think I've seen that before. 4 A. You've seen a picture of that. 5 Q. This is 88? 6 A. And this is -- 7 Q. Same thing, isn't it? 8 A. Yeah. I'm trying to catch -- trying to show 9 you the bow in the floor is why I took it at 10 an angle; but whether you can see it or not, 11 I don't know. 12 Q. Okay. And then 89 looks to be the bookshelf 13 straight on. 14 A. Bookshelf right on, not lining up. You see 15 the bottom where it's -- where it's off 16 center there? It doesn't line up anymore. 17 Q. And the bookshelf is where? 18 A. That's it. The one you've been looking at -- 19 Q. That's in the -- 20 A. Living room. 21 Q. Living room. What is this on the floor? 22 A. That's where we had the carpet pulled up. 23 And that's just showing the padding or</p>

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<p>1 whatever right there.</p> <p>2 Q. Is carpet in your house tacked back down?</p> <p>3 A. Yeah.</p> <p>4 Q. It's been fully reinstalled?</p> <p>5 A. Right.</p> <p>6 Q. 90?</p> <p>7 A. That's -- that's the same bookshelf up</p> <p>8 there. And just, like I say, this is where</p> <p>9 the water starting coming in up here.</p> <p>10 Q. Okay. This is where it -- it's at the top?</p> <p>11 A. That's correct.</p> <p>12 Q. 91?</p> <p>13 A. This is the -- this is the -- where the</p> <p>14 bookshelf is, same thing, just the right-hand</p> <p>15 side of it where it's just separated all the</p> <p>16 way across.</p> <p>17 Q. All right. And I'm just going to let you</p> <p>18 thumb real quick through the rest of these</p> <p>19 and see if there is anything that you can</p> <p>20 identify. If you can't, that's fine.</p> <p>21 A. Okay.</p> <p>22 Q. Because some of them you may not remember</p> <p>23 what they are.</p>	<p>1 here is where the bookcase is. And this is</p> <p>2 the fireplace.</p> <p>3 Q. Okay.</p> <p>4 A. The fireplace is right here. The water came</p> <p>5 in through the ceiling, comes all the way</p> <p>6 down. That's how it separated the whole --</p> <p>7 that's just the fireplace is what that is.</p> <p>8 Q. All right.</p> <p>9 A. That appears to be that same picture of</p> <p>10 the --</p> <p>11 Q. Carpet?</p> <p>12 A. Uh-huh.</p> <p>13 Q. 98?</p> <p>14 A. Obviously, that was --</p> <p>15 Q. 99?</p> <p>16 A. I don't know what that is. And that's --</p> <p>17 that appears to be --</p> <p>18 Q. 102.</p> <p>19 A. This is in the air handler room again. This</p> <p>20 is the air handler room.</p> <p>21 Q. Okay. 102 and 103 and then 104 looks like</p> <p>22 the air handler room again.</p> <p>23 A. Yes.</p>
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<p>1 A. This is in the living room.</p> <p>2 Q. Which one?</p> <p>3 MR. ISENBERG: 94?</p> <p>4 A. 94 is in the living room, just showing a --</p> <p>5 where a spot came in. 95 -- is that 95?</p> <p>6 Q. Yes, it is.</p> <p>7 MR. ISENBERG: Yes.</p> <p>8 A. This shows the -- remember, I told you where</p> <p>9 normally it came in through the crown</p> <p>10 moulding in every room?</p> <p>11 Q. Yes, sir.</p> <p>12 A. This -- this is the fan in the living room,</p> <p>13 and the water came through here. And of</p> <p>14 course you may not can see it that well here,</p> <p>15 but it all buckled as it is now. It all</p> <p>16 buckled, and the water came through --</p> <p>17 straight through the middle into this fan.</p> <p>18 Q. Came through the fan?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay.</p> <p>21 A. And I think that's -- and this here --</p> <p>22 Q. 97?</p> <p>23 A. 97 is -- this is right here -- this right</p>	<p>1 Q. 105?</p> <p>2 A. Air handler room.</p> <p>3 Q. And that's just again to show how wet it is?</p> <p>4 A. Right. And do you remember which one of</p> <p>5 those -- what is this?</p> <p>6 Q. 107.</p> <p>7 A. This is the air handler room. This is where</p> <p>8 I told you, you may could change the --</p> <p>9 Q. The return unit, yeah.</p> <p>10 A. Uh-huh. And this is in the hallway right</p> <p>11 below this right here.</p> <p>12 Q. The water?</p> <p>13 A. Well, all that water. Because all that water</p> <p>14 was coming down inside there. And it just,</p> <p>15 you know, come out into the hallway.</p> <p>16 Q. 108, what I'm looking at on the top, this is</p> <p>17 a baseboard. This is a wall?</p> <p>18 A. Uh-huh. That's what I'm talking --</p> <p>19 Q. And discoloration of the carpet is showing</p> <p>20 that water came underneath the baseboards --</p> <p>21 A. Right.</p> <p>22 Q. -- and out from the return unit. Was this</p> <p>23 room where the most water was, was in your --</p>

<p>Page 157</p> <p>1 what have we been calling it?</p> <p>2 MR. ISENBERG: Air handler.</p> <p>3 Q. -- air handler room?</p> <p>4 A. I can't say that because it was just -- I</p> <p>5 mean it was such a tremendous amount of water</p> <p>6 everywhere. I can't say what had more than</p> <p>7 the other.</p> <p>8 Q. All right. That's fine. 110?</p> <p>9 A. 110, this is the kid's bathroom.</p> <p>10 Q. Okay.</p> <p>11 A. And you can see where the water came through</p> <p>12 the ceiling on the kid's bathroom.</p> <p>13 Q. They've got a bathroom that's joined between</p> <p>14 the two rooms?</p> <p>15 A. Right across there. Yeah. Right next to the</p> <p>16 air handler room, actually, right across the</p> <p>17 hall from there.</p> <p>18 Q. Okay. And then 111?</p> <p>19 A. That appears to be one of the kid's rooms. I</p> <p>20 can't say.</p> <p>21 Q. And 112, if you can --</p> <p>22 A. I -- I can't say.</p> <p>23 Q. All right. Mr. Sanders, how long have you --</p>	<p>Page 159</p> <p>1 Q. Never had a policy?</p> <p>2 A. No, sir.</p> <p>3 Q. And who is the person you dealt with at</p> <p>4 Pinckard when you filed a claim?</p> <p>5 A. Selia Courson and Marti Washing. And can I</p> <p>6 say something about them two?</p> <p>7 Q. Sure.</p> <p>8 A. I want to say them two women, they lied to</p> <p>9 me. They told me that I was getting a</p> <p>10 replacement policy, that it would have no</p> <p>11 depreciation amount on it. It wouldn't be</p> <p>12 repaired; it would be replaced. There would</p> <p>13 be no depreciation. I filed a claim. They</p> <p>14 didn't give me replacement value. They</p> <p>15 didn't fix everything, number one, not near</p> <p>16 what was wrong with the house. What they did</p> <p>17 give me had -- had depreciation on it.</p> <p>18 Because I seen the check that they sent. It</p> <p>19 had depreciation amounts on what they gave</p> <p>20 me. So that was a lie. And I would have</p> <p>21 never bought that contract if I knowed that</p> <p>22 that was a -- you know, that was the deal,</p> <p>23 that they were lying to me. So they lied to</p>
<p>Page 158</p> <p>1 do you recall how long you had home insurance</p> <p>2 with Standard Fire?</p> <p>3 A. Since November of 2001.</p> <p>4 Q. And you originally got that through the</p> <p>5 Pinckard Agency?</p> <p>6 A. Yes, sir.</p> <p>7 Q. How did you come across the Pinckard Agency?</p> <p>8 A. I don't remember, to tell you the truth. I</p> <p>9 don't know if -- I don't know that we didn't</p> <p>10 just choose them. I -- I don't know.</p> <p>11 Q. So this house, as long as you've had it, was</p> <p>12 insured by Standard Fire?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Who insures it now?</p> <p>15 A. Standard Fire.</p> <p>16 Q. Still Standard Fire?</p> <p>17 A. Well, nobody actually, but -- obviously, no</p> <p>18 one.</p> <p>19 Q. Did you --</p> <p>20 A. To answer your question.</p> <p>21 Q. Did you at any point receive a policy for any</p> <p>22 of the policy years before this one?</p> <p>23 A. No, sir.</p>	<p>Page 160</p> <p>1 me.</p> <p>2 Q. Did anyone at Standard Fire -- Ms. Harper,</p> <p>3 Mr. Fryer, or Mr. Coffin -- tell you that</p> <p>4 they thought you were filing a fraudulent</p> <p>5 claim?</p> <p>6 A. No.</p> <p>7 Q. The only people who told you they thought you</p> <p>8 were filing a fraudulent claim was ICA folks?</p> <p>9 A. And -- and Pinckard.</p> <p>10 Q. And Pinckard? Okay. I tell you what,</p> <p>11 Mr. Sanders, we've covered a bunch of stuff.</p> <p>12 I want to check over my notes and make sure</p> <p>13 that I've covered everything I need to cover</p> <p>14 with you. There may be a couple more things,</p> <p>15 but I'm so -- we've covered so much I want to</p> <p>16 go back and look.</p> <p>17 A. Okay.</p> <p>18 Q. Probably be a good time for a break.</p> <p>19 (Brief recess)</p> <p>20 Q. Just a few more things.</p> <p>21 A. Okay.</p> <p>22 Q. What did you do with the check that you got</p> <p>23 from Pinckard?</p>

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<p>1 A. I believe my attorney has it.</p> <p>2 Q. It's never been cashed?</p> <p>3 A. No.</p> <p>4 Q. I know we've talked in generalities about</p> <p>5 when you first saw the mold in your house.</p> <p>6 A. Uh-huh.</p> <p>7 Q. When you took those photographs -- when we</p> <p>8 went through them, I didn't see anything</p> <p>9 where there is mold depicted in any of the</p> <p>10 photographs. And I don't think you told me</p> <p>11 this was to show mold, so on and so forth?</p> <p>12 A. Right.</p> <p>13 Q. And I understand those were taken sometime in</p> <p>14 late October or early November?</p> <p>15 A. Right.</p> <p>16 Q. And I'm putting two and two together that you</p> <p>17 didn't notice any mold until at least after</p> <p>18 those photographs were taken.</p> <p>19 A. Right.</p> <p>20 Q. Do you remember, was it -- any idea, any</p> <p>21 estimate as to when it was after those</p> <p>22 photographs? Was it after Christmas? Was it</p> <p>23 January this year?</p>	<p>1 A. You know, I don't recall.</p> <p>2 Q. And I'm not going to try and ask you to get</p> <p>3 in ahead of your lawyer, but he's filed a</p> <p>4 bunch of things in this case. And he filed a</p> <p>5 second amended complaint in the case.</p> <p>6 A. Uh-huh.</p> <p>7 Q. In paragraph 64, it talks about a hail loss</p> <p>8 in May of 2003. Do you recall?</p> <p>9 A. I believe it's actually April, but 2003. It</p> <p>10 should have been April.</p> <p>11 Q. Okay. Tell me about that.</p> <p>12 A. We had a hail storm. I think it was April</p> <p>13 25th, 2003. And a pretty severe hail storm</p> <p>14 as I recall. We had a lot of the -- the</p> <p>15 stuff on the shingle come down on the ground,</p> <p>16 as we talked about a while ago. The -- I</p> <p>17 don't know the name of it, but -- you know,</p> <p>18 the grainy substance of the shingles come</p> <p>19 down. And I would say approximately 20 folks</p> <p>20 in our neighborhood all got roofs because of</p> <p>21 the hail damage. So my wife went down to</p> <p>22 Pinckard and told them that we thought we may</p> <p>23 have hail damage. And, actually, we had a</p>
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<p>1 A. What?</p> <p>2 Q. When you first noticed mold in the spots</p> <p>3 you've described to me already.</p> <p>4 A. No. We started noticing mold in November --</p> <p>5 I would say November. Wasn't real clear on</p> <p>6 what it was, but knew there was something</p> <p>7 growing in our house.</p> <p>8 Q. So it was a period of weeks --</p> <p>9 A. It had been several weeks.</p> <p>10 Q. -- after those photographs?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did you contact anybody to come help you</p> <p>13 remediate the mold, or what did you do once</p> <p>14 you figured it out?</p> <p>15 A. I just contacted my attorney and let him</p> <p>16 handle it.</p> <p>17 Q. Who actually contacted the Pinckard Agency to</p> <p>18 start this policy in November of 2001? Was</p> <p>19 it you or your wife?</p> <p>20 A. Both.</p> <p>21 Q. Do you remember if you had any conversations</p> <p>22 with Standard Fire at that time, or was it</p> <p>23 just Pinckard Agency folks?</p>	<p>1 roofer come over who said we did need a new</p> <p>2 roof. But she went to Pinckard and filed a</p> <p>3 claim, and they sent a guy out. And he</p> <p>4 looked at our roof and he said, I'm taking</p> <p>5 pictures. He said, you do have hail damage,</p> <p>6 but it's not severe enough to put a new roof</p> <p>7 on. He said, I will note it and put it in</p> <p>8 your file. So that was the end of that.</p> <p>9 Q. Do you remember who that person was?</p> <p>10 A. I don't remember his name.</p> <p>11 Q. Did you meet with him personally?</p> <p>12 A. No. My wife did.</p> <p>13 Q. And you didn't notice any leaking or anything</p> <p>14 after that?</p> <p>15 A. No.</p> <p>16 Q. Was there any physical damage that you</p> <p>17 observed?</p> <p>18 A. I -- I mean yes, there was physical damage</p> <p>19 all over the roof and the fence. There were</p> <p>20 little marks like little ping marks, you</p> <p>21 know. And, of course, my wife could probably</p> <p>22 answer this better because she actually --</p> <p>23 the guy pointed out to her the pings on the</p>

<p>Page 165</p> <p>1 air conditioning unit and the pings on the 2 fence. And, of course, we had car damage; 3 but he just said it wasn't severe enough to 4 get a roof. 5 Q. Have you ever filed a lawsuit other than this 6 one? 7 A. Unh-unh. 8 Q. Have you ever been sued individually? 9 A. No. 10 Q. And I'm pretty safe in asking this question. 11 I think I know the answer. Have you ever 12 been convicted of a crime? 13 A. No. I -- no, I ain't done that one, now. 14 I've done a lot, but I ain't -- 15 Q. We've got to ask every time. I just figured 16 I would make sure. And I'm not sure I 17 understand. Are you contending -- I mean 18 aside from what your lawyer has pled, you 19 personally, what are you seeking by putting 20 this May 2003 hail loss into this lawsuit? 21 A. I'll just let a jury determine that. I mean, 22 I'm just letting all the facts be known. 23 Q. Are you contending -- I mean, I guess what </p>	<p>Page 167</p> <p>1 A. No. 2 Q. Okay. That's what I wanted to know. 3 A. I mean, I ain't making nothing up. You see 4 what I'm saying? I ain't -- I'm just want -- 5 Q. No. What I'm trying to ask you is if there 6 is any -- you know we talked a lot today 7 about how you were treated. 8 A. Right. 9 Q. And I understand that this is a breach of 10 contract; that part of this lawsuit, you are 11 saying that the roof should have been 12 replaced at that point under that policy of 13 insurance. And I understand that. But I 14 want to make sure there is no other conduct 15 by the Travelers adjustor or anybody else 16 that you're complaining of. 17 A. At this time? 18 Q. Aside from -- yes. In May 2003. 19 A. No. 20 Q. And we've talked about a bunch of 21 conversations. 22 A. Yes, sir 23 Q. With Mr. Harper, Mr. Fryer, Mr. Coffin. </p>
<p>Page 166</p> <p>1 I'm asking you is, is there anything that 2 you're contending Standard Fire did wrong in 3 adjusting that claim to -- that's what I want 4 to know, period. 5 A. Well, the reason I bring that up is because 6 when the roofers and the -- our experts came 7 and looked at my roof. They said, you have 8 damage; you have hail damage on this roof; 9 they should have replaced your roof. 10 Q. So the thing that you're complaining about in 11 the May 2003 hail damage loss is that you 12 should have had a new roof as a result of 13 that. Aside from that, is there anything 14 else that Standard Fire did or didn't do that 15 you have knowledge of that you're complaining 16 about in this lawsuit? 17 A. That's a big question. That's a lot of 18 question. Bear with me there a minute. 19 Q. Maybe I can make it simpler. 20 A. Okay. 21 Q. Have you got anything else that you're upset 22 about or you think was done wrong about this 23 May 2003 loss other than replacing your roof? </p>	<p>Page 168</p> <p>1 A. It's Ms. Harper. 2 Q. Ms. Harper. Ms. Harper. Is there anything 3 that you can think of after all we've been 4 over that you would like to add about what 5 you think they did or didn't do? 6 A. Well, I think they lied to me from top to 7 bottom. They had no interest in helping me 8 whatsoever. I think I let Travelers -- I let 9 Standard Fire know under no certain terms 10 that -- that I had a problem. These folks 11 were not treating me right. I let them know 12 the allegation about Pinckard and ICA saying 13 that I was trying to file a fraudulent 14 claim. I let them know all that was going 15 on. And I begged them. I begged them. And 16 you'll -- you've seen it because I've read 17 it. 18 Well, the woman -- I called the woman at 19 Travelers, which is in the file number; and I 20 begged her to please get somebody to call me 21 if she could. And they wouldn't. So I made 22 them well aware of what was going on, and 23 they chose not to help me. They chose to </p>

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<p>1 ignore me. All this stuff led to my -- my 2 kids being injured, us living in that stuff. 3 Like I say, I was lied to. You know, I 4 paid for a contract. I paid for a contract. 5 I wasn't given that contract. I wouldn't 6 have bought that contract. Standard -- I 7 made Standard Fire aware of what was going 8 on, and they chose not to step in. 9 MR. ELY: Okay. Mr. Sanders, that's 10 all I got for you today. 11 THE WITNESS: That was a lot. I 12 appreciate it. And when you get 13 off the record -- well, I'll tell 14 you on the record. I appreciate 15 both of y'all, how you treated 16 me. I didn't know kind of what to 17 expect from you. Like I say, I 18 have no anger towards either one 19 of y'all. 20 MR. ELY: We understand. 21 MR. ISENBERG: We understand that. 22 THE WITNESS: I mean, you know, I kind 23 of -- you are actually even kind</p>	<p>1 REPORTER'S CERTIFICATE 2 STATE OF ALABAMA 3 CHILTON COUNTY 4 I, Wendy Lewis, Court Reporter and 5 Commissioner for the State of Alabama at Large, 6 hereby certify that on Tuesday, July 19, 2005, I 7 reported the deposition of WILLIAM PHILLIP 8 SANDERS, who was first duly sworn or affirmed to 9 speak the truth in the matter of the foregoing 10 cause, and that pages 4 through 170 contain a 11 true and accurate transcription of the 12 examination of said witness by counsel for the 13 parties set out herein. 14 I further certify that I am neither of kin 15 nor of counsel to any of the parties to said 16 cause, nor in any manner interested in the 17 results thereof. 18 This 22nd day of July, 2005. 19 20 21 WENDY LEWIS, Court Reporter 22 Commissioner for the State 23 of Alabama at Large MY COMMISSION EXPIRES: 2/4/08</p>
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<p>1 of the first people I've seen, and 2 I had to kind of vent on you. And 3 I've tried not to be ugly. And I 4 hope -- if I did, I apologize. 5 MR. ELY: You did fine. 6 THE WITNESS: Like I say, I know you're 7 doing a job just like I do. And I 8 appreciate you listening to me and 9 putting up with me. Okay? 10 MR. ISENBERG: We didn't have to put up 11 with you. 12 THE WITNESS: Well, I appreciate your 13 time and the way you treated me. 14 MR. ISENBERG: All right. 15 MR. ELY: Well, that goes without 16 saying. You don't need to thank 17 us for that. 18 THE WITNESS: Well, thank you. 19 (The deposition concluded at 20 1:53 p.m.) 21 * * * * * 22 FURTHER DEONENT SAITH NOT 23 * * * * *</p>	<p>1 SIGNATURE OF WITNESS 2 I, WILLIAM PHILLIP SANDERS, hereby 3 certify that I have read the transcript of my 4 deposition consisting of pages 4 through 170, and 5 except for the corrections listed below, certify 6 that it is a true and correct transcription. 7 8 9 WILLIAM PHILLIP SANDERS 10 11 SWORN TO AND SUBSCRIBED before me 12 this ____ day of _____, 2005. 13 14 NOTARY PUBLIC 15 16 * * * * * 17 Page Line Correction and reason therefor 18 19 20 21 22 23</p>